continues. The State Government has made numerous representations for withdrawal of the system in the interest of the development of the State. But the Centre is yet to respond.

The RAP is a downright discriminatory and retrograde measure. There are several States in the country like Punjab, Jammu and Kashmir, Himachal Pradesh, Gujarat, Bihar, Uttar Pradesh and West Bengal, having international borders. May I ask in how many of these States the system has been introduced? To my knowledge, in not even one. The restrictions were recently lifted from Sikkim. There is no reason why they cannot be lifted from the North-East. This kind of discrimination is not at all healthy for national integration.

I would like to emphatically say that by continuing the restrictions, the Government itself has deprived the country of foreign exchange worth crores of rupees. This wastage not only affects one State or one region. It is a national wastage which a poor country like ours cannot afford.

The Government propose to celebrate 1991 as the Indian Tourism Year. To make the occasion more meaningful and to reduce regional imbalances, the Government should initiate immediate steps for lifting the restrictions on the entry of foreign tourists in Assam and the other North-Eastern States and allow these States to develop tourism and develop their economy as well.

Thank you.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Now we shall take up the Constitution (Scheduled Castes) Orders (Amendment) Bill, 1990. Mr. Minister

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CONSTITUTION (SCHEDULED CASTES) ORDERS (AMENDMENT) BILL, 1990

श्रम एवं कल्याण मंत्री (श्री राम विलास पासवान) : महोदय, मैं प्रस्ताव करता हूं—

"संविधान (अनुसूचित जाति) आदेश, 1950 और संविधान (अनुसूचित जाति) (संघ राज्य क्षेत्र) आदेश, 1951 का और संशोधन करने वाले और संविधान (जम्मू और काश्मीर) अनुसूचित जाति आदेश, 1956, संविधान (दादरा और नागर हवेली) अनुसूचित जाति आदेश, 1962, संविधान (पांडिचेरी) अनुसूचित जाति आदेश, 1964 और संविधान (सिक्किम) अनुसूचित जाति आदेश, 1978 का संशोधन करने वाले विधेयक पर विचार किया जाए"

उपसभाध्यक्ष महोदय, यह विधेयक बहुत ही महत्वपूर्ण विधेयक है और राज्यसभा का पिछला सत्र जब चला था तो उसके प्रथम दिन ही इस पर विचार-विमर्श होने वाला था लेकिन दरबारा सिंह जी की मृत्यु के कारण उस दिन इस पर विचार नहीं हो सका और फिर यह विधेयक पिछले सत्र में नहीं आ पाया। आज फिर हम लोगों के सामने यह विधेयक है और उस समय भी जैसा कि हमारे साथियों की राय थी और हम लोग भी चाहते थे कि इस पर विचार बाबा साहब अम्बेडकर की जयंती के पहले हो जाना चाहिए था लेकिन वह किसी कारणवश नहीं हो पाया और आज जैसा कि श्री वाजपेयी ने कहा कि कल बुद्ध पूर्णिमा है और यदि हम इस ऐतिहासिक दिवस की पूर्व संध्या पर इस विधेयक को पास करते हैं तो निश्चित रूप से इसका बहुत महत्व होगा।

महोदय, यह एक ऐसा विधेयक है जिसका सारे पक्ष के लोगों ने समर्थन किया है और सब लोग चाहते भी हैं और यह बहुत ही पुरानी मांग रही है। इसलिए मैं नहीं समझता कि किसी भी पक्ष के लोगों को इस पर कोई आपत्ति हो सकती है। कुछ थोड़े-बहुत सुझाव हमारे मंत्रालय के पास आए हैं। दूसरे जो धर्मावलंबी हैं, जो बौद्ध धर्म के अलावा दूसरे धर्मों को मानने वाले लोग हैं, उनकी तरफ से भी कुछ रिप्रैजेंटेशन हमारे पास आए हैं कि उनको भी इसमें सम्मिलित किया जाए, जो अनुसूचित जाति से कन्वर्ट हुए हैं या जिन्होंने धर्म परिवर्तन किया है।

[श्री राम विलास पासवान]

अभी जो हमारे सामने विधेयक है, मैं उसके संबंध में इतना ही आग्रह करना चाहता हूं कि हम या हमारी सरकार ऐसे महत्वपूर्ण सवालों पर कोई विवाद उत्पन्न नहीं करना चाहती और हम चाहते हैं कि जो भी काम हो वह सर्वानुमति से हो और अच्छे ढंग से किया जाए और इसीलिए हम यह देखते हैं कि ऐसे-ऐसे महत्वपूर्ण विषय जब संसद में आए हैं तो, चाहे वह लोकसभा में हो या राज्यसभा में हो, तमाम पक्ष के लोगों ने उसे स्वीकारा है और पास करने का काम किया है और इसी सदन में जो अनुसूचित जाति-जनजाति रिजर्वेशन का विधेयक आया, उस भी सर्वसम्मति से पास किया गया।

आज इस विधेयक को हम आपके सामने रख रहे हैं। जहां तक दूसरे धर्मावलंबियों का सवाल है, जो शैड्यूल कास्ट के लोग कन्वर्ट हुए हैं, इसमें मैं समझता हूं कि जो भाषा है उसमें "बौद्ध" शब्द लिखा गया है। इस बारे में हमने लीगल एडवाइज़र्स से भी परामर्श किया है। जैसे "हिंदू" है, "सिख" हैं, तो उसके स्थान पर "हिंदू, सिख और बौद्ध" लिखा गया है। जैसे हिंदुओं और सिखों में जो शैड्यूल कास्ट के लोग हैं उनको सुविधाएं मिलती हैं तो उसी तरह से बौद्ध धर्म में जो शैड्यूल कास्ट के लोग कन्वर्ट हुए हैं उनको भी सुविधाएं मिलें। तो यह जो "बौद्ध" शब्द है यह बिल्कुल सही शब्द है, मैंने इसके बारे में पता लगाया है और इसके बारे में छानबीन की है। इसलिये मैं माननीय सदस्यों से आग्रह करूंगा और इसका सबसे बड़ा मामला यह है कि जिन लोगों ने बौद्ध धर्म को स्वीकार किया लेकिन स्वीकार करने के बाद भी उनकी जो सामाजिक और शैक्षणिक स्थिति है उस सामाजिक और शैक्षणिक स्थिति में सुधार नहीं हुआ। बाबा साहब अम्बेडकर जिन्होंने संविधान को लिखा था, स्वयं इसके लिये वे लड़ाई लड़ते रहे और उन्होंने स्वयं कहा था कि इन समुदायों को अनुसूचित जाति का दर्जा दिलाने और उनको जो सुविधायें मिलती हैं वह सुविधाय दिलाना हमारा काम रहेगा और आज हमको इस बात की खुशी है कि आज तमाम पक्ष के लोग एक मत से इस विधेयक को पास करें।

जहां तक दूसरी श्रेणी के लोग बचते हैं, दूसरे धर्म के लोग जो वहां कंवर्ट हुये हैं, मैं इस संबंध में इतना ही आग्रह करना चाहता हूं कि उसमें सरकार का कोई नगेटिव एटीट्यूड नहीं है, सरकार को पूरी हमदर्दी है। लेकिन जैसा मैंने कहा कि इसके लिये तमाम पक्ष के साथियों से बातचीत करनी पड़ेगी और हम निश्चित रूप से आश्वासन देते हैं। कान्वर्टेड क्रिश्चियन का मामला आया है, उनका रिप्रजेंटेशन मेरे पास में आया है जिसके संबंध में हमारे साथी गोपालस्वामी जी वह रहे हैं, तो निश्चित रूप से पार्लियामेंट सेशन के बाद हम लोग सब पक्ष के, सभी दल के जो लीडर्स हैं उनको एक साथ बैठ करके और हम लोग उसमें एक राय बनाने का काम करेंगे। इसलिये इसमें भाषण की जरूरत नहीं है और न विशेष समय की आवश्यकता है। मैं चाहता हूं कि कम से कम समय में और नॉन कंट्रोवर्सल यह जो एक विधेयक हमारे सामने आया है और जिसको तमाम पक्षों की सहानुभूति प्राप्त है, मैं चाहता हूं कि इसको सदन पास करे।

The question was proposed.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Mr. Vice-Chairman, Sir, it is with a profound sense of pride and happiness that I rise to support this Bill which has been apply described by the Minister as a non-controversial Bill. When we enact this Bill today, I think, the House will agree with me that this House, and through this House the entire nation will be paying homage to three great sons of our great motherland. The first is Lord Buddha because he preached a casteless society through his doctrine of Buddhism. Then comes Mahatma Gandhiji who also sacrificed a good part of his life

to remove the blot of untouchability from our Society. And we have the last but not the least, Dr. Babasaheb Ambedkar who was the architect of our Constitution and who as the Chairman of its Drafting Committee contributed so significantly to these provisions in the Constitution. I had occasion to attend more than a dozen prayer meetings of Gandhiji. He used to live in those days in Harijan colonies. That had a very deep impact on me as a child. I still remember Dr. Ambedkar coming to my family temple. It is a temple of Lord Murlidhar in Thakurdwar in Bombay. In 1934, when it was opened to.....

THE LEADER OF THE OPPOSITION (SHRI P. SHIV SHANKER): Mr. Vice-Chairman, Sir, I wanted to raise a basic question. While we are for the Scheduled Caste converts to Buddhism being provided all the benefits under the Constitution; as the Bill has come, I just wanted to bring to your kind notice that unfortunately the Bill does not serve the purpose for which it has been brought. I discussed this partially with the Minister of Welfare. If you permit me, I will just explain this.

Sir, the basis on which this amendment has been brought forward is article 341. Clause (1) of article 341 says that the President shall notify—of course, in consultation with the Governor, etc,—in the various States, at the advent of the Constitution, as to which are the communities which will be Scheduled Castes. This is the purport of clause (1) of article 341. The purport of clause (2) of article 341 is, once the notification is issued by the President, any deletion or addition can only be made by Parliament.

What is it that we are trying to do now? We are trying to add in the notification the converts to Buddhism from all these communities, i.e., the Scheduled Caste communities. It is this which has to be added in terms of article 341(1). It will be a substantive amendment, as a result of which those Buddhists, i.e., those Scheduled Caste people getting themselves converted to Buddhism, will be entitled to all the benefits that are provided to the Scheduled Castes. I regret to say that that substantive amendment to the notification has not been brought forward in the Bill. There is no word about that. The notification that had been issued in terms of article 341(1) has to be amended. That part has not been taken care of. What is it that has been taken care of? If you see the Bill for example, clause 2 of the Bill says—of course, clause 1 relates to the Title—"This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 1990"—"In paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, for the words 'or the Sikh', the words, 'the Sikh or the Buddhist' shall be substituted". What is paragraph 3 of the Constitution (Scheduled Castes) Order, 1950? Paragraph 3 says: "Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu or the Sikh religion—the words 'or the Buddhist' will be added now—shall be deemed to be a member of a Scheduled Caste". This means, persons who are not Hindus, Sikhs or Buddhists, would not come under the category of Scheduled Castes. Does it serve the purpose? It will not serve the purpose unless you amend para 2 of the notification which had been issued by the President originally. You should have said by amendment: "Converts of these communities to Buddhism". If you do not say so, the purpose for which you are coming forth with this Bill shall, in no way, be satisfied because the substantive part you are leaving as it is. You are only making a change in the paragraphs. The only thing you want to say is "Other than Hindus, Sikhs or Buddhists". They cannot be members of the Scheduled Castes. This is accepted. But then, what happens? Supposing, I am a Madiga in Andhra Pradesh and I get myself converted to Buddhism tomorrow. Unless you make it clear in the notification itself that whoever converts himself from these communities

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to Buddhism shall be deemed to be a Scheduled Caste; unless you provide for it in the main notification in this form, any amendment that you are making will be void *ab initio*. It will not be legal. It will not serve your purpose at all. The court will strike it down any time if a non-Buddhist goes to the court. Kindly see the Bill. I have given the example of clause 2. The same is the case in regard to clauses 3, 4, 5, 6 and 7. The amendments are of the same nature. From time to time with reference to Jammu and Kashmir, with reference to Dadra and Nagar Haveli, Pondicherry, Sikkim, these notifications were issued, including the castes in those States, bringing them within the purview of clause 1 of article 341 in the notification itself. There again in every order that has been issued, in the clause they have said: "Other than Hindus and Sikhs are not Scheduled Castes." In that 'other than Hindus and Sikhs' you want to add 'Buddhists'. But then what happens to the substantive part of notification itself? I am sorry to say, there does not seem to have been given a careful thought to the whole matter. In the absence thereof, this Constitutional Amendment will be wholly nugatory and it will be ineffective. This is what I thought I should bring it to your kind notice.

SHRI PRAMOD MAHAJAN (Maharashtra): Sir,....

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Are you on the same point?

SHRI PRAMOD MAHAJAN: Yes, Sir, hundred per cent on the same point.

उपसभाध्यक्ष जी, मुझे यह लगता है कि जिस प्रकार का यह विधेयक आया है वह पर्याप्त है । श्री शिवशंकर जी जैसा कानून का ज्ञान मुझ में नहीं है, लेकिन अनुसूचित जातियों की जो सूची है वह संविधान में पहले से ही है । इस सूची में कोई परिवर्तन नहीं हो रहा है। जैसे उदाहरण के रूप में जो बौद्ध बाबा साहब अम्बेडकर हुए वे जिस जाति से संबंधित थे, जिसे महार कहते हैं, वह महार जाति सूची में पहले से ही है । सिर्फ अन्तर यह आया है, चूंकि वे महार के बौद्ध हुए और जैसा श्री शिवशंकर जी ने कहा कि यह जो आर्टिकल तीन हैं जिसमें यह कहा गया है कि—

"Notwithstanding anything contained in paragraph 2, no person who professes a religion different from Hindu or Sikh religion, shall be deemed to be a member of Scheduled Caste."

[The Vice-Chairman (Shrimati Jayanthi Natarajan) in the Chair.]

अब महार चूंकि बौद्ध हुए, इसलिए सूची में उनका नाम होते हुए भी वे शेड्यूल्ड कास्ट कहला नहीं सकते, यह समस्या थी । अब सरकार ने जब यहां पर बौद्ध शब्द का उपयोग किया है तो वह समस्या समाप्त हो जाती है और महार होने के बाद भी चूंकि बौद्ध शब्द यहां पर आया है, इसलिए यह पर्याप्त है और सूची में कोई परिवर्तन नहीं है । इसलिए कोई अन्तर करने की जरूरत नहीं है । कानून से यह शत प्रति शत सर्वोच्च न्यायालय में टिक सकता है । इसमें कोई परिवर्तन नहीं है ।

THE MINISTER OF STEEL AND MINES WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): Mr. Shiv Shanker, the Leader of the Opposition, has raised a legal point and I would like to reply though it has been taken care of by the hon. Member.

Who is a Scheduled Caste has been defined in article 366, sub-article (24) which says:

"Scheduled castes" means such castes, races or tribes or parts of or groups within such castes, races or tribe as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution."

Therefore, those castes, races or tribes or groups or parts within those castes, races or tribes, who will be deemed under article 341 to be Scheduled Castes, will be for the purpose of this Constitution treated as "Scheduled Castes". Now you have to come back to article 341 which says:

> "The President may by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes."

This means that the caste, race or tribe or a part of a caste, race or tribe, will be 'Scheduled Caste' if the President in exercise of his power under article 341 notifies. There are different Constitution (Scheduled Castes) orders where different castes or tribes or parts have been notified as Scheduled Castes and Tribes. In this order also what is specifically said under sub-clause (3) is that no person who professes a religion different from Hindu or Sikh shall be deemed to be a member of the Scheduled Caste. Therefore taking into account the example given, here in Maharashtra, 'Mahar' has been notified has a caste which comes under the Scheduled Castes. Now sub-article (3) of article 341 says, if you are a Mahar, you are a Scheduled Caste But no person who is not a Hindu or a Sikh can be a Scheduled Caste. Therefore, if there is a Mahar who is a Hindu, he is a Scheduled Caste; if a Sikh also comes under that, he is a Scheduled Caste. But if a Mahar embraces Christianity or Buddhism, he is not a Scheduled Caste because no person except a person belonging to Hinduism or Sikhism can be a Scheduled Caste.

What has been done now is that the person who is a Hindu, a person who is a Sikh, or a person who is a Buddhist, can also be a Scheduled Caste. That does not mean that every Hindu, every Sikh, or every Buddhist will be a Scheduled Caste. Every Hindu, every Buddhist, every Sikh who comes within that Schedule in which the sub-castes have been described will be a Scheduled Caste. If he is a Buddhist, if he comes within any of these schedules—for example, Mahar is there; up till today a Mahar in Maharashtra, if he was a Hindu, was a Scheduled Caste; if he was a Sikh, he was a Scheduled Caste; but if he was a Buddhist, he was not a Scheduled Caste because sub-article (3) says, no Buddhist can be a Scheduled Caste. What we have now sought to do is that even a Buddhist can be a Scheduled Caste. From the moment onwards when this constitutional amendment will be notified, a Mahar belonging to "Buddhist Mahar" also will be a Scheduled Caste and therefore this will take care care of that. We are not adding to this caste Order by bringing in some new caste. We are maintaining this caste as a Scheduled Caste except that the Buddhists who, because of the operation of sub-clause (3), could not be a Scheduled Caste in spite of the fact that he was a Mahar, but was a Scheduled Caste if he was a Hindu—now that disparity has been removed by saying that a Mahar, whether he is a Hindu or a Buddhist, will be a Scheduled Caste and, therefore, I feel that the objection raised by Mr. Shiv Shanker has no valid force.

SHRI MADAN BHATIA (Nominated): May I be permitted to submit a few words?

SHRI P. SHIV SHANKER: Madam since I raised this objection, I should say a few words on the point raised by my friend. I regret that the interpretation that is sought to be put creates more complication so far as jurisprudence itself is concerned. Now assuming for a moment that we accept the argument that is being given by my friend, it means a man who gets himself converted to Buddhism carries his original caste along with him, which is not the concept in Buddhism. Equally, supposing tomorrow you are going to add "Christian" in paragraph (3), that means a person who might become a Christian but who might belong to the original caste, carries that caste alongwith him notwithstanding the fact that he becomes a Christian. Equally tomorrow, it amounts to

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saying that if a Scheduled Caste man becomes a Muslim and if you like to add "Muslim" word to paragraph (3), and if I have to accept your argument, that man carries that caste along with him to the religion which he converts himself into. It is a very dangerous proposition.

SHRI PRAMOD MAHAJAN: It is a social protection that will be available to them.

SHRI P. SHIV SHANKER: I am not asking you to give a reply. I am just making my submission. And I am giving an example to test the proposition. I must be allowed to say what I am saying.

Therefore, my submission is that if you look at Art. 341(2), it only refers to the changes in the notification in clause (1) of Art. 341 and nothing else. That notification you are not changing. Without changing that notification, you are adding the word. That means you would like that a person should say hereafter, even though he may be a Muslim, "I am a Chamar Muslim, a Chamar Christian or a Chamar Buddhist". This is the approach which you would like to take, which is wholly wrong, which goes against the basic tenets of these religions where they do not believe in the caste system at all. This is an innovation which, if it is to be supported, would amount to saying that you are creating a situation which will be constitutionally invalid. We are interested that the Scheduled Castes people who convert themselves to Buddhism, must be entitled to all the benefits that the Scheduled Castes members have. (*Interruptions*). Whatever it is, I am not going into that. Whatever constitutional guarantees are there, let them have I am saying that unless you make a substantive amendment in the notification, this amendment cannot be tagged on to the substantive portion of the notification, and therefore it is illegal.

SHRI KAMAL MORARKA (Rajasthan): Mr. Shiv Shanker, with your permission I would like to say this.

If we have to go by what Mr. Shiv Shanker says, then, just to understand the situation, then, in the original notification you must have to add all the Buddhists. (*Interruptions*).

SHRI P. SHIV SHANKER: You read Article 341(2). Article 341(2) is about any amendment that you would like to make in the original notification that has been issued by the President. It is only that the Parliament is entitled to do. What I want to say is only this. "The Buddhist converts of all these above communities" has to be added in respect of Para 2 of the order. (*Interruptions*)

SHRI ANAND PRAKASH GAUTAM (Uttar Pradesh): I am a Buddhist Member. Let me speak. (*Interruptions*).

SHRI P. SHIV SHANKER: I would just try to say one thing. I am not expecting that the Government will accept my argument. But I thought that I should go on record so that if the matter goes to the court, it may not be said that the Members of Parliament were not even conscious of this.

SHRI KAMAL MORARKA: On the objects of the Bill there is no disagreement. It is on the manner of doing it. Mr. Shiv Shanker's opinion is on the way the Bill has been brought. The Government's view is that the disqualifying provision has to be removed because Article 341(2) does not disqualify a Hindu or a Sikh. We are adding "Buddhists." They are disqualifying religions other than Hindu and Sikh. It is the other way round. (*Interruptions*) By adding "Buddhists" we feel that that disqualification will go. That is our view.

But what Mr. Shiv Shanker says is very valid. We should take it into account. If we find that the original notification is to be amended, the Government can certainly come again. But in the meanwhile, I think, the Bill

should be passed so that the object is served. (*Interruptions*)

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): One minute. I will just call you one by one. Mr. Madan Bhatia.

SHRI MADAN BHATIA: Madam, Vice-Chairman, I want to place before this hon. House the history of Article 341 to understand really its importance. When the Constituent Assembly was considering the question of giving special benefits to the Scheduled Castes, the original Draft Constitution which was framed by the Constitution-makers in January or February, 1947 or 1948, did not include Article 341 of the Constitution. It contained a Schedule containing the list of various castes which will be treated as the Scheduled Castes, and the object was to give the benefit, special benefit to all those persons belonging to the castes which figured in that particular Schedule. So, at that time during the discussion in the Constituent Assembly a demand was made on behalf of the Akali Dal Party that four castes belonging to the Sikhs should also be included in that Schedule. One of the castes I remember.

I had no intention to speak, but I am only sharing my thought with this hon. House from my study which I had carried out much earlier. One of the castes, for instance, was Ramgharia. So, four castes were mentioned. They demand that these four castes should also be included in the list of Scheduled Castes. There was an opposition on the ground that the Sikh religion does not recognise any castes and it would be a retrograde step to include any person belonging to the Sikh religion in the list of Scheduled Castes. It would, in fact, amount to denigration of the Sikh religion. This matter was hotly debated and Sardar Vallabhbhai Patel ultimately made a speech in the Constituent Assembly. He said: "I expected and I hope that my Sikh brethren in the Constituent Assembly would not denigrate their own religion by talking about castes in their religion when their religion was, in fact, founded on the concept of extermination and elimination of castes. As a temporary measure, out of expediency to satisfy them, with much unhappiness and with much reluctance, I recommend to the Assembly that these four castes should be included in the List."

After that this draft Constitution underwent a lot of changes and the ultimate Constitution which was adopted did not contain any Schedule of the castes. It contained Article 341. Article 341 falls into two parts—Clause (1) and Clause (2). Clause (1) says that the President will declare for each particular territory which castes shall be recognised as Scheduled Castes for the purpose of enjoying special benefits. Clause (2) provided that once this Order is made by the President, that shall be final; and if any amendment is to be made to this Order, it can be made only by an Act of Parliament.

In 1950, the first Presidential Order was made. In that Order—I am now coming to the example—it was provided that the Scheduled Castes will be Scheduled Castes only belonging to the Hindu religion and not to any other religion.

Then in 1955, as a result of the agitation by the Akali Party, this Order was amended by an Act of Parliament and it was then provided by an Act of Parliament that the schedule would also include the Sikhs for the purpose of understanding the import...

SHRI KAMAL MORARKA: Was the original Notification amended at that time?

SHRI MADAN BHATIA: Yes, it was amended. It was said that this Order will apply only to the Hindus. In 1955, it was amended to say that Hindus will include the Sikhs.

SHRI KAMAL MORARKA: Was Article 341(2) amended?

SHRI MADAN BHATIA: Under Article 341(2) Parliament made the law.

SHRI KAMAL MORARKA: But it did not amend the original Notifi-

[Shri Kamal Morarka]

cation. What Mr. Shiv Shanker says is that the amendment of Article 341(2) is not enough.

SHRI MADAN BHATIA: Article 341(2) is meant to amend the Order made under Article 341(1). I am not criticising you. I am only trying to share my thoughts so that this hon. House should understand. It is not necessary to say that I am taking any partisan line. I am giving my neutral thoughts. Please try to understand that and take it in that spirit. That is how I understand it. Because it is a Constitutional matter, I thought I must share my thoughts. So, it was amended to include Sikhs. It is in the light of this background that this amendment Bill is to be considered.

KUMARI CHANDRIKA PREMJI KENIA (Maharashtra): I would like to make a humble submission that the matter is quite simple. We have to deal with the Schedule which gave benefits to the Scheduled Castes and Scheduled Tribes. We have to keep that in mind that when we talk of benefits in the Schedule. It deals with Scheduled Castes and Scheduled Tribes. When we recall Article 341(2), i.e. sub-clause (2) it qualifies the Schedule saying that you have to belong to these communities plus you have to be either Hindu or Sikhs. Now, what the Government proposes to do is to give these benefits to one more caste or one more community and that is the Buddhists. But you cannot just amend the schedule which deals with the the Scheduled Castes and Scheduled Tribes and add there that the benefits to be given to the Buddhists ...(*Interruptions*)...Will will you allow me to present my case? We have to amend article 341(2) that is sub-clause (2) which is restricting the benefits to Scheduled Castes and Scheduled Tribes right now only to Hindus and Sikhs. If they want to give the benefits to the Buddhists, this is the only way by which we can confer these benefits under the Schedule which deals with the Scheduled Castes and Scheduled Tribes, to amend the article 341(2). Thank you.

SHRI G. G. SWELL (Meghalaya): Madam Vice-Chairman, I really do not understand what Mr. Shiv Shanker was trying to say and what he is objecting to. What I understand from what he has said is that while the concept of caste is there in Hinduism, the moment a person becomes a Buddhist where cast is not accepted, he cannot carry his caste to Buddhism. I think that is your basic objection but the Statement of Objections and Reasons of this Bill is very clear. It says that religion has not altered their social and economic condition. The basic concept of this Bill is the socio-economic conditions of a particular community. Because of various reasons, historical reasons and other reasons, these people have suffered certain disadvantages. They are a disadvantaged group and a change of religion does not alter the socio-economic considerations. The simple thing is that even when they change the religion, their socio-economic considerations remaining the same, they should get the advantages which the States extend to them in matters of appointment, in matters of admission into colleges and schools and other matters. This is the basic thing. Thank you. How you got an objection to that?

SOME HON. MEMBERS: No.

SHRI G. G. SWELL: Now, I would like to go on from here...(*Interruptions*)...I have not finished my statement. I would say that this is altogether a right step in the right direction that religion does not determine the socio-economic considerations of the people and I would take this opportunity to say to the Minister that discrimination is something which is against the Constitution and that there are people in this country who have also changed their religion. There are people belonging to the Scheduled Castes who have become Christians There are people of the Scheduled Castes who have become

Muslims and their socio-economic conditions remain the same. Therefore, I would like the Government and the Minister to consider the amendments which have been placed before the House by some Members to include Christians and Muslims also in this Bill. Thank you.

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir): Madam,...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): No. I have identified Mr. Sangh Priya Gautam.

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): Madam Vice-Chairman, I am not opposing the Bill but the idea conceived by the hon. Law Minister is not correct and partly I agree with Mr. P. Shiv Shanker who has raised a very important question that the moment a person from Scheduled Castes gets converted to Buddhism, he does not carry his caste. There is no scope for casteism in Buddhism.

SHRI SHABBIR AHMAD SALARIA: Does he become rich? Does he become economically forward... (*Interruptions*)...

SHRI SANGH PRIYA GAUTAM: Madam, I agree with my learned friend Mr. Swell that Scheduled Caste converts to Buddhism or Christianity or Islam do not change their economic or social condition. So the idea of the Government to provide facilities to the Buddhists is not bad but the idea conceived and elaborated by the Law Minister and supported by my learned friend, Mr. Pramod, that the caste of *Mahar* after convession to Buddhism will remain as such is bad and that idea is not correct.

5.00 p.m.

SHRI DINESH GOSWAMI: I do appreciate what Mr. Shiv Shanker has said but let us look to the facts. The Constitution guarantees certain protection to the Scheduled Castes and the Scheduled Tribes and if you want to give certain benefits to the Buddhists who have converted, you must take cover under the provision of the Constitution which gives guarantee to the Scheduled Castes and the Scheduled Tribes. If you want to give protections which are available to the Scheduled Castes and the Scheduled Tribes, however, unfortunate it may be, we must introduce an element that a person who has been converted, belongs to the Scheduled Caste. All converts cannot be given protection. It is not necessary. Mr. Shiv Shanker's idea is that all Buddhists must be given protection or... (*Interruptions*)...Please listen to me. It is not his case. His case is that those Scheduled Castes, who converted to Buddhism must be given protection. We can give protection provided they are declared Scheduled Castes under article 341. Now whether under his terminology, we give this protection or under this Bill, we give this protection, ultimately, we are to declare that they are Scheduled Castes under article 341. Now the Buddhist concept is that a Buddhist cannot have a concept of Scheduled Caste; then we cannot give protection under article 341 at all, not even under the terminology of Mr. Shiv Shanker.

SHRI P. SHIV SHANKER: Mr. Minister, if you look up clause 4 of article 16 whereby in the employment the safeguard has been provided to the various clases, there the Scheduled Caste has not been mentioned. Please don't confuse the two things. Ultimately 15 (4) refers to the Scheduled Castes and the Backward class people and 16(4) does not make a mention of the Scheduled Castes at all. Please go into that. Why are you confusing yourself? Please read 16(4). In the employment the Scheduled Caste is not mentioned at all.

SHRI DINESH GOSWAMI: Mr. Shiv Shanker, you wanted a substantive amendment in the notification under article 341. Now 341 is a notification under the Scheduled Castes. Look to 341. 341 list is the Scheduled Castes list.

SHRI P. SHIV SHANKER: No, no. Paragraph 2 is the main substantive one and paragraph 3 is a different one. If you read the Scheduled Castes Order, paragraph 2 of that order... ...(*Interruptions*)...

SHRI DINESH GOSWAMI: Please look to article 341. (*Interruptions*)

SHRI P. SHIV SHANKER: It is for you to take a decision. We have brought this fact to your notice.

SHRI DINESH GOSWAMI: Any amendment, in whatever from we bring it under article 341, we will deal with Scheduled Castes. Now if my friend's contention is that Buddhism has no caste and therefore the caste must not be maintained, then it cannot be under article 341, in whatever form he wants to bring in. I can appreciate if Mr. Shiv Shanker's argument is that this amendment cannot be under article 341 but I cannot appreciate the argument that this will be under article 341 but not in the form that we have brought but in some other form because article 341 deals with the Scheduled Castes and any amendment in whatever form we bring it, will deal with the Scheduled Castes.

श्री प्रमोद महाजन: उपसभाध्यक्ष महोदया, इस परिवर्तन से हम बौद्ध धर्म में कोई परिवर्तन नहीं कर रहे हैं और इसलिए अगर बौद्ध धर्म जातियों में विश्वास नहीं करता तो इस परिवर्तन से यह आग्रह नहीं है कि बौद्ध धर्म जातियों में विश्वास करें। इसमें धर्म में कोई परिवर्तन नहीं हो रहा है। सवाल इतना ही है कि जो अनुसूचित जातियों से संबंधित लोग हैं उन्होंने धर्मान्तर किया है। वह बौद्ध हो गए। अब जो बौद्ध बने हैं उनको, जो अनुसूचित जातियों को रियायतें हम देते थे वह किस प्रकार दें? अब यह तरीका हो सकता है, जैसे शिवशंकर जी ने कहा कि ऊपर यह लिख दें कि निम्नलिखित जातियों के लोग, जो बौद्ध बन गए हैं उनके लिए दे दें। और वह नहीं है, अगर हम यह मानते हैं कि किसी जाति का उल्लेख ही नहीं करना है, तो किसी जाति का बिना उल्लेख किए शैड्यूल्ड कास्ट के कंसैशंज दिए जा ही नहीं सकते, अन्यथा किसी भी जाति का व्यक्ति अगर बौद्ध बन जाए तो उसको हमें उस प्रकार की रियायतें देनी पड़ेंगी।

SHRI N. K. P. SALVE (Maharashtra): Madam, I regret that the Law Minister has really not dealt with the point raised by Mr. Shiv Shanker. I think it is necessary to read paragraph 2 of the Order itself which in turn says.....

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): May I interrupt you for one moment? It has been scheduled, I want to inform Members, that at 5 o'clock, there will be a statement by the Minister for Human Resources on education.

SOME HON. MEMBERS: That can be taken up later.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): If that is the consensus of the House, we will continue with this. Yes, Mr. Salve.

श्री राम विलास पासवान: उपसभाध्यक्ष महोदया, आप मुझे एक मिनट का समय दे दें तो यह कंट्रोवर्सी खत्म हो जाएगी। Will you please allow me for a minute? All this controversy will be ended.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): As soon as Mr. Salve finishes.

श्री एन. के. पी. साल्वे : महोदया मैं एक बात पासवान जी को स्पष्ट कर दूं कि हम शत-प्रतिशत इस विधेयक के साथ हैं। मगर... There is one very grievous lacuna. Let him deal with it. Let him satisfy himself and let him satisfy us. Let him understand what we are saying first. Madam, paragraph 2 of the Constitution (Scheduled Castes) Order, 1950 reads as follows:

"Subject to the provisions of this Order..."

Now the most crucial part comes.

> "....the castes, races or tribes or parts of or groups within the castes or tribes..... shall be in relation to the States.. deemed to be Scheduled Castes."

Now, paragraph 3 reads:

> "Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu or the Sikh religion shall be deemed to be a member of a Schduled Caste."

Now, the scheme of this Order is clear, Madam. Firstly, the one who is to be covered by paragraph 2 has to be either a Hindu or a Sikh. Secondly, which is more important, this benefit is confined to castes, races, tribes or parts of or groups within castes, tribes, etc. etc. Now, as to parts 1 to 19 of the Scheduled to this original Order, our objection is this. If one is a 'Mahaar', as pointed out by Mr. Pramod Mahajan, he is a Hindu nonetheless. In Maharashtra, there is a community called 'Maang' who are none-the-less Hindus. But once you become a Buddhist, you don't remain either a caste or a race or a tribe or a part or a group within a caste or tribe, etc. and therefore, purely an insertion here, along with Hindus and Sikhs, of Neo-Buddhists, will not take care of the basic deficiency which is there in the sense that those people who have converted are no longer in the Scheduled Castes or Tribes or races, etc. I will ask one simple question and that is with reference to what Mr. Pramod Mahajan says. Is a Neo Buddhist a Mahaar? Supposing you insert the Christian, is the Christian still a Mahaar? No. He is not a Mahaar. But a Hindu is a Mahaar. It is right that substantive changes in the Order should be made. But it should be made clear that all those who have converted from this Schedule, that is parts 1 to 19, be deemed.. ...,*Interruptions*)...for purposes of this Order under Article 341, to be Scheduled Castes. This is what he says. Now, maybe we are wrong. I am not, for a moment saying that it is a question of law. It is a question of interpretation. But at least appreciate the point we are making and deal with the point. (*Interruptions*). I hope I have made myself clear.

श्री पी० शिव शंकर : हम सब सपोर्ट कर रहे हैं ?

श्री प्रमोद महाजन : हम तो विरोध नहीं कर रहे हैं ।

श्री एन० के० पी० साल्वे : बौद्ध महार होता है ।

श्री प्रमोद महाजन : सिखों में तो जाति नहीं मानते, लेकिन सिख होने के बाद भी कबीर पंथी हो सिखजादा हो, उसके लिए अगर वह अनुसूचित जातियों को दिया जा सकता है तो वह महार के लिए, बौद्ध महार के लिए क्यों लागू नहीं है ?...**(व्यवधान)** . . .

SHRI DINESH GOSWAMI: I know these difficulties. I appreciate it. In whatever form you bring the amendment they will come under article 341. Even assuming we bring in the amendment in the exact manner in which Mr. Shiv Shanker has asked it to be brought forward, then what is the effect?

The effect is, the President is declaring them Scheduled Castes.

SHRI P. SHIV SHANKER: You tell me where in the Bill you are declaring them as Shceduled Castes.

SHRI DINESH GOSWAMI: If your argument is that the Buddhist religion does not recognise any caste, then how does the President say that a particular person 'A' belongs to a Scheduled Caste? Unfortunately, the situation is such that we shall have to do it in order to give the benefit. And, therefore, as it was done in the case of Sikhs, we shall have to do it.

श्री राम विलास पासवान : मैडम, असल में यहां जितने भी लोग हैं पक्ष-विपक्ष के, सब लोग चाहते हैं कि बिल पास हो और सब लोगों की मंशा है कि

[श्री राम विलास पासवान]

जो नव-बुद्धिस्ट हैं, जो शेड्यूल्ड कास्टस से कन्वर्ट हुए हैं, उनको इसका फायदा मिलना चाहिए । इसमें सब लोग एकमत हैं । यह भी सही है कि हम कानून-वेत्ता नहीं हैं, कानून के वेत्ता आप दोनों आदमी हैं, जो लड़ रहे हैं, हम उस मामले में भी नहीं जाना चाहते । हम सिर्फ इतना ही जानते हैं कि जब किसी धर्म के अंतर्गत उस जाति का, जिस जाति ने कन्वर्ट किया है, उसका उत्पीड़न नहीं होता या सामाजिक और शैक्षणिक दृष्टिकोण से पिछड़ा नहीं रहता तब तक उसके लिए विशेष अवसर की बात भी नहीं मानी जाती है । तो निश्चित रूप से जो नवबुद्धिस्ट के अंदर पिछड़े हुए है या शेड्यूल्ड-कास्ट से कन्वर्ट हुए हैं, उनके लिए मांग हुई है, उनके लिए बिना इस बात को आगे बढ़ाए चर्चा करें क्योंकि आपके पास समय बहुत कम है । हम लोगों की नॉलेज में पहले से ही बात आई थी, शिवशंकर बाबू ने पहले ही कहा था कि इसमें यह लेकुना है । उसके बाद हमने मंत्रालय से पूछा । फिर हमने ला-मिनिस्टरी से इमीजिएट कन्सल्ट किया। उसके बाद हम, शिवशंकर जी, लॉ मिनिस्टरी के और एडवाइजर सब बैठे और उसमें भी मामला तय नहीं हो पाया । इनका ओपिनियन दूसरा रहा और ला-मिनिस्टरी का ओपीनियन था कि उन्होंने ठीक किया है । सन् 1955 या 56 में जब सिख-धर्म में इसी तरह का मामला उस समय उत्पन्न हुआ था, सिख धर्म में लोगों को सुविधा मिलने वाली थी तो उस समय भी यही मामला उठा था और ठीक यही रास्ता अपनाया गया था । मेरा सिर्फ इतना ही आग्रह है कि इस बिल पर बहस शुरू करवा करके इसको पास करवाया जाय । जहां तक पोलिटिकल बिल का सवाल है... **(व्यवधान)** ...यदि बाद में कोई मामला उत्पन्न होगा तो हम सब लोग बैठकर तय कर लेंगे ।

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): We shall now continue with the discussion... (*Interruptions*) . . . yes, Mr. Bhandare... (*Interruptions*) . . . Let there be some order in the House... (*Interruptions*)...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Madam, I cannot speak in this atmosphere . . . (*Interruptions*) . . . There should be some order in the house... (*Interruptions*)...There is a lot of movement of Members... (*Interruptions*) . . . Madam, if you look here and try to conduct the proceedings it would be better because there is no order in the House at all... (*Interruptions*) . . .

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): May I appeal to all the Members to maintain order in the House so that we can begin the discussion? Yes, Mr. Bhandare.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Madam, when I started, I said that an the spirit and substance of the Bill there is total unanimity in the House and there is no difference of opinion whatsoever. We are paying our respectful homage to the memory of three of the greatest sons of our great Motherland and I referred, firmly, to Lord Budha, who created a casteless society out of the Hindu religion. I referred to Mahatma Gandhi who, as the Father of our Nation, tried his best to remove the blot of untouchability from our society and, lastly, I referred to Dr. Baba Saheb Ambedkar who was responsible in a large measure, as one of the chief architects of our Constitution and as Chairman of the Drafting Committee, for the framing of our Constitution under whose provisions we are legislating today. As I was mentioning, I had an occasion to attend a dozen of the prayer meetings of Bapu. He used to live in the Harijan colonies and that left a deep impression, made a deep impact, on me and I myself. for a period of three years in my college life, was a volunteer for the uplift of the Harijans in the city of Bombay.

About Dr. Ambedkar, as I was mentioning, my first memory was when

in 1934, he opened our family temple in Thakurdwar in Bombay to the Harijans and it was a great event. I still remember many of those who were present on that occasion Annaji Hari Gadru, Kaka Saheb Gadgil, Ram Bhan Tatnis and many others. They were all present and Dr. Ambedkar was so happy that it was done in the heart of the city. Later on, I was to know Dr. Ambedkar more intimately and I always heard him in awe and reverence because for him India meant freedom and equality. He strove hard to incorporate in our Constitution freedom without discrimination. Incidentally, he was also the Principal of the Bombay Government Law College where I had the privilege to study and also the founder of the college from where I graduated in the first batch of that college where I was put by my father because it was started by Dr. Ambedkar and that is the Siddhartha College in Bombay.

With these personal memories, let me also add that Dr. Ambedkar always felt that the need of India was to develop character and integrity and without these, the achievements in the economic and social fields would make no qualitative change in the life of our citizens. Dharma of morality is the foundation of the civilized social life and, therefore, unless the Government accepts Dharma as its corner-stone, society may either disintegrate or succumb to dictatorship of one kind or the other . The revival of Buddhism was the most significant contribution of Dr. Ambedkar. To the untouchables, the revival of Buddism meant that rejection of the caste-ridden religion and the reassertion of their ancenstral faith.

Dr. Ambedkar's last important contribution to public life was the painstaking work that he did as the Law Minister of the first Government of free India for enacting the Hindu Code. It was as a result of his labours that the Hindu Code was subsequently enacted. The wheel of time has come one full circle. The man who publicly burnt the *Manusmrithi* in 1927 was himself the chief instrument in giving to the Hindu Community another *smrithi* or law on living in conformity with an egalitarian society and in accordance with the urges of modern times. Madam, perhaps the culminating point in Dr. Ambedkar's shifting career, at least so he thought, came on 14th October 1956 when leading two lakhs members of Scheduled Castes including twenty women and his wife, he embraced Buddhism at a one-hour mass ceremony organised by the Nagpur branch of the Bhartiya Budh Samithi. Giving reasons for his conversion he said, "he could not survive by bread alone; man a mind which also needed food for thought." Religion. he said, "instills hope and drives him to activity". "Hindu religion has watered down the enthusiasm of the downtrodden and, therefore, I find it necessary to change my faith and embrace Buddhism." Unfortunately he did not live long to practise and preach the tenets of his newly acquainted faith because he passed away one and a hol months later on 6th December 1956. The founders of our Constitution. as we all know, were guided by the lofty motive to abolish untouchability and evolve a casteless society. Article 17 declares that untouchability is abolished and its practice in any form forbidden. The bedrock of our Constitution is equality both of status and of opportunity. The removal of socio-economic disparities in our society has been the sheet-anchor of the philosophy and the policy of the Congress Party. To achieve this end we have Articles 14, 15 and 16. In order to protect and promote the advancement of socially, economically and educationally backward classes of citizens which include the Scheduled Castes and Scheduled Tribes. Articles 15(4) and 16(4) *inter alia* provide for positive discrimination. Article 25 provides for inclusion of Sikh, Jain and Buddhis religions in the Hindu religion. Now this can be one of the reasons and when I am going to dwell on it. it has to be remembered that under Article 25

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Explanation II Hindu religion includes Sikh, Jain and Buddhist religions. Article 38 of the Directive Principles contained in Part IV of our Constitution cast a duty on the State to secure and protect as effectively as it may, a social order in which justice. social, economic and political, shall inform all the institutions of the national life and further to eliminate inequalities in status, facilities and opportunities, Article 46 specifically requires the State to promote with special care the educational and economic interests of the weaker sections of the people and in particular of the Scheduled Castes and Scheduled Tribes and to protect them from the social injustice and all forms of exploitation. Articles 330 and 332 provide for a reservation for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and in the Assemblies the States. It is against this background that Article 341 seeks to specify the caste, race or tribe that shall be deemed to be a Scheduled Caste. Now what happened is that having failed to achieve this object of burnining the *Manusmrithi* and getting rid of the caste system in the Hindu society Dr. Ambedkar embraced Buddhism. But what is the reality? It served only as a gesture. It served only as a measure of strong protest without in any manner effectively conferring any higher status on Neo-Buddhists The result as that the Hindu orthodoxy continued to subject them to the same discrimination and degrading treatment resulting in denial of equality of opportunity or status. For a long time it was felt that since caste system was only recognized by Hinduism, only those who were Hindus, could belongs to a Scheduled sastes. It was provided that no person who professes a religion different from the Hindu or the Sikh religion shall be deemed to be a member of a Scheduled Caste. This altogethtr ignored the realities on the ground and the fact that the Neo-Buddhists continued to be denied the benefit of the positive discrimination under article 15(4) and 16(4), despite the fact that they were subjected to acute discrimination.

I am very proud that in my home State, Maharashtra, we removed this discrimination a long time back, not caring about the niceties of the expression 'Scheduled Castes'. We had to resort to the State power under articles 15(4) and (16(4) to work for the upliftment of the socially and economically backward class of people, and we have provided for reservation in public employment of Neo-Buddhists who were originally converts from Scheduled Castes.

This was also against the basic principle under lying the Constitution of getting protection and promotion on the basis of educational, social and economic backwardness.

There have been persistant demands, as stated in the Statement of Objects and Reasons of the Bill, that change of religion has not altered their social and economic conditions. The present Bill seeks to meet this demand by amending the Presidential Order to include Neo Buddhists therein. This is consistent with our Constitution and philosophy of our party towards the weaker and vulnerable sections of our society.

Madam, at this point I will deal with the amendment because it raises a larger question. To my mind, what was sought to be raised by P. Shankerji was by way of abundant caution, because a great responsibility is cast on us while legislating on any measure, particularly a legislative measure of this great importance and significance like the conferment of the benefit on Neo Buddhists who, for all practical purposes, continue to belong to the Scheduled Castes from which they converted to Buddhism. He only wanted to put it by way of abundant caution. But when I looked at the amendment, I also felt some difficulty, and that is why I was going to ask the mover of the amendment not to

press for that amendment at this stage until we had examined that question.

Now, Madam, in the first instance, it is necessary to realise what exactly is meant by Scheduled Castes under article 341. Is it really a Scheduled Caste which is known as Scheduled Caste? If you look at article 341, it is not necessarily so. It does not say it is a caste which is recognized by the society as a Scheduled Caste. In fact, article 341 makes it clear that a Scheduded Caste need not be a caste in the conventional sense and, therefore, may not be a caste within the meaning of article 15(2) or 16(2). Scheduled Castes become as such. That means they become Scheduled Caste only if the President specifies any castes, races or tribes or parts or groups within castes, races or tribes for the purpose of the Constitution. So, a group or a section of a group which need not be a caste or may even be a hotch-potch of many castes or tribes and even races may still be a Scheduled Caste Article 341 likewise, races or tribals, communities or parts thereof or part or parts of group within may still be Scheduled Tribes for the purpose of the Constitution. In a judgment given by Justice Krishna Iyer in the State of Kerala *versus* N. M. Thomas, this is how he dealt with the problem. Scheduled Castes and Scheduled Tribes are not a caste within the ordinary meaning of castes. In Bhaiylal *versus* Harkishan Singh in an earlier decision in 1976 the Supreme Court held that an enquiry wheher the appellant belongs to a particular caste or not which was not recognised as a Scheduled Caste should not be gone nto by the court. Therefore, it is very clear that a caste becomes a Scheduled Caste only by notification by the President. The problem continues. I remember having done a case of my colleague from Tamil Nadu in the other House, Lok Sabha, Mr. Devarajan, on the question whether he was a Scheduled Caste or he was not a Scheduled Caste. I found that in the South, particularly in Tamil Nadu and in Kerala, you have a mother belonging to the Scheduled Castes and the son belonging to cristianity on conversion. One brother is a Scheduled Caste Hindu and the other brother is, no doubt, a Christian, but still regarded as a Scheduled Caste Christian despite the fact that Christianity does not recognise any caste. The realities have been that this caste system has overriden our society not only for centuries but for a millenium and we have not been able to do away with tose attitudes If we really want to go to the root of the problem, I will request the hon. Minister to consider whether or not he should amend the definition under Article 366, sub-article 24, to include not only Scheduled Castes—whether is defined here—but also to include an ex-Scheduled Caste or a person belonging to that Scheduled Caste previously and now converted to any other religion whatsoever. Even, otherwise, I think that the same result can be achieved by resort to power which is given under Article 15(4) and 16 (4) of the Constitution. What is to be noted, what is to be understood and what is to be shared in the perception that the change of religion makes no difference in their status. They continue to be exploited. They continued to be discriminated against. Even the Scheduled Caste converted to Christianity deserve the protection which is given to neo-Buddhists under the present legislation. Therefore, the expression "Scheduled Caste" must include a person who is an ex-Scheduled Caste, well, it is on this principle that though I would like to support this Amendment and though I would like to strike at all discriminaion which is the result of backwardness whether it is social or political or economic. I think more resort should be had by the Legislature and the Government to Article 15(4) and 16(4). One thing I want to say. When I am on the question of religion, I must also go into the history. And it must be remembered that our Founding Fathers did not

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fully abjure religion as a political principle. We recognise the Scheduled Castes as worthy of preferential treatment, not on the basis of their economic condition but their religious adherence. Our Presidential orders and Supreme Court decisions have upheld the anti-secular principle that a member of a religious minority caste loses all his privileges when he changes his religion, from Hindu to Christian or Muslim. This is a decision of the Supreme Court which we are now trying to overcome through this Amendment. Vote banks and candidates are still assessed on the basis of religious or caste adherence. And politicians claiming to belong to the most secular parties have no compunctions about this anti-secular approach. It is, therefore, with satisfaction that today I state that this measure will bring in the benefit because ultimately it must be remembered that whether you include a Neo-Buddhist or you include a Christian or you include any other converts, you are not enlarging the cake at all. The cake remains the same. And within the same cake, perhaps, the number of people to share that cake get too many. Today there are only Hindus and Sikhs who belong to the Scheduled Castes, who can take 17 per cent reservation or 20 per cent reservation or 30 per cent reservation as the case may be. But if you have neo-Buddhists, if you have Christians, the cake will remain the same. 30 per cent will remain 30 per cent. The only thing is that the genuine people who are discriminated, who belong to the exploited class, who suffer that human indignity from day to day, they will have a chance to look up and think of the egalitarian society that India is. I wanted, as I said, that this Bill to be passed before the 14th April, the Birth Anniversary of Dr. Ambedkar. I do not accept the explanation given by the Hon'ble Minister because we did sit on the 10th, and there was enough time despite my esteemed friend, Sardar Darbara Singh's demise. There was enough time to pass the Bill. But we are doing it on a very auspicious day because tomorrow is the Buddha Purnima. I still do not know why the Government was in a haste to confer Bharat Ratna on Dr. Ambedkar on the 99th Anniversary. It would have been more appropriate if it was done when we celebrate the centenary of his birth next year. But anyway 1991 is the birth centenary of Dr. Ambedkar. And I hope that all sections of the society will celebrate it in a befitting manner and the vent will usher in a new dawn of equality and freedom without discrimination in our society. Thank you, Sir.

श्रीमती कमला सिन्हा (बिहार) : उपसभाध्यक्ष महोदय, मैं कल्याण मंत्री श्री राम विलास पासवान जी को धन्यवाद देती हूं कि बुद्ध पूर्णिमा के एक दिन पहले उन्होंने यह बिल पेश किया और हम सभी साथी इसको मिलकर पास करेंगे।

सभी माननीय सदस्य अच्छी तरह से जानते हैं कि "हरिजन" नाम गांधी जी ने दिया था। इससे पहले हरिजनों को शूद्र या अछूत कहा जाता था और आज भी इस देश के अनेक हिस्सों में वे अछूत ही हैं। इन अछूतों को आगे लाने के लिए गांधी जी ने कहा था। हरिजन यानी भगवान के प्यारे, लेकिन आज भी उनको भगवान के प्यारे कह कर हम नहीं मानते। भगवान बुद्ध जिन्होंने न्याय और समानता के आधार पर नई समाज रचना की दिशा दी थी उनके धर्म में जाकर बाबा साहब अम्बेदकर जी ने अन्याय और अत्याचार से बचने का प्रयास किया था। लेकिन हम आज भी देख रहे हैं कि यह संभव नहीं हो पाया है। हमारी सरकार ने, नेशनल फ्रंट की सरकार ने यह उचित समझा कि जो नियो-बुद्धिस्ट हैं, हरिजन मूल के हैं, हरिजन होने के कारण जो सुविधायें दूसरों को उपलब्ध है, वे सुविधायें इनको भी मिलनी चाहिये। आखिरकार, संविधान निर्माताओं ने उनको

आरक्षण क्यों दिया ? असेंबली, पार्लियामेंट में आने के लिये या नौकरियों में आरक्षण क्यों दिया गया ? यह इसलिये दिया गया ताकि राष्ट्रीय जीवन में उन्हें बराबर का अधिकार मिले, राष्ट्रीय जीवन में वे समानता के साथ आगे बढ़ सकें। यह काम तब तक पूरा नहीं हो पायेगा जब तक हरिजन मूल के कुछ लोग जो नियो-बुद्धिस्ट हैं उनको भी ये सुविधायें न मिलें। ऐसे लोगों को भी हमारी सरकार आगे बढ़ाना चाहती है, उनको अन्य लोगों के बराबर लाना चाहती है। हमारी सरकार उनको न्याय दिलाना चाहती है और उनका जो अधिकार है वह उनको देना चाहती है। इससे पार्लियामेंट और असेंबली में आने का अधिकार उनको मिलेगा साथ ही शैक्षणिक संस्थाओं द्वारा जो सुविधायें दी जाती हैं वह उनको प्राप्त होंगी। इस बारे में मैं ऐसा समझती हूं कि इसमें वाद-विवाद की आवश्यकता ही नहीं है। यह सदन राष्ट्रीय समस्याओं के ऊपर विचार करता है। यह एक ऐसी समस्या हैं जिसको हम सबको एक स्वर से पास करना चाहिये। इस संशोधन विधेयक में जो संशोधन हमारे कुछ भाइयों ने पेश किये हैं, तो यह उचित होगा कि सरकार इस पर बाद में सोच विचार करे और हरिजन मूल के जो ये लोग हैं इनको अन्याय, अत्याचार से बचने के लिये और इनको न्याय दिलाने के लिये आवश्यक कार्यवाही करे। आज ये सुविधायें सिख धर्म वालों को मिल ही रही हैं और बुद्धिस्ट धर्मावलम्बियों को भी हम देना चाहते हैं तो जो इन जातियों के लोग क्रिश्चियन हुए हैं ऐसे लोगों को भी अगर संभव हो तो सरकार इसके ऊपर भी आगे आने वाले दिनों में विचार करे और कानून के दायरे उन तक पहुंचाये, जिनको समान अधिकार नहीं मिल रहे हैं।

इन्हीं शब्दों के साथ मैं पुरजोर शब्दों से इस विधेयक का समर्थन करती हूं। धन्यवाद।

श्री शब्बीर अहमद सलाग्गिा : इनके अलावा हिन्दुस्तान में मुसलमान भी रहते हैं, उनका भी जिक्र कर दीजिये।

SHRIMATI MARGARET ALVA (Karnataka): Mr. Vice-Chairman, Sir, I rise to support the Bill and say a few words, in general, about the problem which concerns others also, apart from the Buddhists whom, today, we are trying to help, as the hon. Minister has said in this amendment.

When Mahatma Gandhi started the Indian freedom movement, he had, essentially, two things before him. One was, apartheid in South Africa of which he was a victim at one time. The other was, when he came back home, the special attention he paid to the untouchables whom he renamed as 'Harijans', even though some of their leaders did not quite like the idea of that change of name.

The tragedy—if I may say so—is that even in South Africa, apartheid has started to crumble, things have begun to change and they have begun to look at the problem as it should have been all these years. But in our country, in spite of the Constitution, in spite of all the promises, all the legislations and all the efforts made by the State and by private institutions, we have still a long way to go before we can really say that the fruits of our freedom have reached the Harijans in the country. We have had commissions. We have had reports. We have had any number of things done. Concessions, reservations, jobs, enquiry commissions and so on and so forth. Yet we see, today, the exploitation continues. Their women are raped, villages burnt, men are kidnapped and murdered and various other atrocities are committed about which a discussion started in the House yesterday.

I am not going into the details of this. We know the situation as it exists today. I would say, tensions are growing, particularly on the rural side, between communities because today the Harijans know their rights and they want to stand up and take their rights and they want to stand up and take their rightful place in society,

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but there is resistance, there is reaction and perhaps that is why we see, violence coming about in these clashes between the different castes within our system.

Sir, education and the media, have done a lot and I believe that at last the Harijans themselves have begun to realise that they have to unite and fight. If justice does not come by peaceful means, there is going to be a violent reaction. I am not at all in favour of violence, but this is what is going to happen. Those who have been kept out and denied their rightful place, in spite of the Constitutional provisions and various other pronouncements, are not going to keep quiet. We talk of reservation for Harijans. How many of them are able to move up? Sometimes their C.R. says that they are not good, not efficient, and sometimes some other methods are used to see that they do not go beyond a point. Reservation at the starting point is one thing, but allowing them to move up and go where they should, is another question altogether. Secondly, we still talk about Harijan colonies and basties, even today I was surprised when one of our speakers mentioned about this. Why after so many years do we have to segregate and name them Harijan basties or Harijan colonies? There are Harijan hostels in my State for Harijan students. I think the time has come when we begin to integrate and make them feel that they are part and parcel of our national mainstream. I felt sorry when a suggestion was made yesterday that separate temples should be built for them if they were not allowed to enter the main temple. It is disgusting to think of having a different temple or a prayer centre or a place of worship for different castes or communities, particularly when we have made a commitment that we will built a new society.

As far as the problem on the rural side is concerned, very few of them own land and most of them work as landless labour, they migrate and again they land up with the same problem. There is the village money lender and every single part of the system goes into this process of exploiting the poor Harijan. Lot has been said here about Baba Saheb Ambedkar. I am proud of him, particularly becaus I share by birthday with him. But I want to say that his dreams totally different from what have been sought to be made out, I may say that it is justice rather than charity that we must demand when we talk about the problems of Harijans in this country. It is all right to call upon others to look towards them with understanding to help them to come up, but today they are equal citizens and until and unless our approach changes, we in India do some soul searching and correct the imbalances in our own minds, all these amendments and all these things—of course, I am supporting the Bill—are not going to help the down-trodden Harijan in our country. I know that everybody is in a haste today because the Bill has to be passed, but I do say that the time has come perhaps to have a 'Harijan protection force' ppsted in areas which are vulnerable for these caste clashes, particularly in some States in the country. They have to have a sense of security, a sense of feeling that they will be protected against the type of atrocities about which we have talking in this House every other day. Once in a week something about them is coming before us. Sir I also believe that the special courts which we have talked about for dealing with such atrocities must receive immediate and special attention. Of course, announcements are made very often but we have been in the administration, we know how long it takes for plans to seep down and real response to come from the other side.

I would also like to say that there is need to stop dividing the Harijans on the basis of religion. Exploitation of the Harijans and so many other things have been brought before the

House. In fact, I wanted to just mention what the present Finance Minister, Mr. Madhu Dandavate, had said before the Mandal Commission.

He had himself said that conversion from one faith to another did not change the social and economic status of the person. It was, therefore, desirable that the converts from the Scheduled Castes to Buddhism, Christinity etc. should be treated as Scheduled Castes. I wonder if he would still stand up to it and make the same statement.

But beside him, whether it was Babasaheb Ambedkar or whether it was the other leaders, from time to time statements have been made that after conversion, the status of the Harijans does not necessarily change. Sir, the Statement of Objects and Reasons also says the same thing. I would like to quote for the benefit of the Minister his own statement:

> "Various demands have been made from time to time, for extending all the concessions and facilities available to the Scheduled Castes in them (i.e. to the Buddhists) also on the ground that change of religion has not altered their social and economic condition".

Sir, I made the ame plea yesterday that just changing a religion does not change the discrimination or change the exploitation which they face just because they change a religion. I would just give you one example. In Tamil Nadu there was this case of a scheme which was announced for cobblers on Mount Road. There was a survey and all cobblers were given shelters on the Mount Road. About two weeks later, one of the cobblers who was given their little mobile shop was made to return the same. Why? Because they discovered that all the others were Hindus but he was a Christian. All the cobblers were living in the same colony, but he happened to be a Christian instead of being something else. It was withdrawn and he was denied that facility of the protected stall because it was supposed to be a scheme for the Scheduled Castes and he was not suppossed to come under "Scheduled Castes". Mr. Gopalsamy will bear me out, there are three bodies which have been designated in Tamil Nadu for giving re-conversion certificates. If you go to one of them and you get a certificate I have seen the rules—and you have to put it in the newspapers "I, so and so, have now changed my religion back to Hinduism and I, from this day, claim that I am a Hindu"...

SHRI V. GOPALSAMY (Tamil Nadu): It should also appear in the Gazette.

SHRIMATI MARGARET ALVA: Once that announcement is made, then he becomes entitled to all those concessions of the Scheduled Caste. Sir, I am asking when you leave Hinduism and become a Christian or a Buddhist or a Sikh or a Muslim or whatever it is, and loose the caste like you say, the moment you leave a religion and you have lost your caste, how by a paper announcement, or a certificate from one of these organisations you can against get your religion back? Therefore, I am pleading that in a country where secularism is the corner stone of our Constitution, and exploitation and discrimination are a part of the daily lives of the Harijans, whether they are Christians, Muslims or Sikhs or Buddhists that the time has come, and I have already spoken to Mr. Paswan and there have been a lot of delegations in Delhi also pleading that this whole question should be looked at and he has assured us that they will look into the whole wider question.

Again we have the Mandal Commission Report which the Government is talking so much about implementing. I hope they will take

[Shrimati Margaret Alva]

note of some of the suggestions that have been made. One of them is, the caste system is a great conditioner of the mind and leaves an ideliible mark on a person's social conscience and cultural mores. Consequently, even after conversion, ex-Hindus carry with them the deeply ingrained ideas of social hierarchy and stratification to wherever they go showing that this system continues even after they have gone into other folds. I also want to point out that the Untouchability Act which exists does not provide protection to Christian Dalits from atrocities and other disparities from the caste system. If you are a Hindu or a Buddhist now, or a Sikh and an atrocity is committed on that Harijan, then he gets protection under the Act. But if a Christian is burnt alive or something else is done to him or her, she has no protection under the Untouchability Act or under the Act which protects them from these atrocities. Is it not an unhuman condition in which you deny to them, simply on the basis of religion, even the basic protection under the Untouchability Act? I am asking you this today. You know it as well as I know it. Are they allowed to take water from all the wells just because they are Christians? Are they allowed to do everything else simply because they became Chistians? There is double discrimination here. I think that this something which all of us have been very seriously fighting against.

Sir, just one thing more I want to talk about, and that is about the whole system of, shall I say, hygiene. I do not know how to put it. But here I do want to point out that if we mean business, the first thing is to ban carrying of human excrete on human heads. We have to find a system by which this practice is banned by law and made an offence. We did it in Karnataka. It does exist in many parts of the country. I believe that it is the greatest insult to human dignity in this century. In Karnataka it was banned. But my point is that it exists in this country. I think that this is the greatest disgrace that in the twentieth century this practice is still continuing in this country and that particular castes have to be designated for these jobs. I am appealing to the Minister. All these amendments are all right. Let there be a true impact on the lives of these people, and let them feel that the caste system, as far as these human practices are concerned, has been done away with immediately.

Sir, there was perhaps some difference in the perception of this issue between Mahatma Gandhi and Babasaheb Ambedkar himself. He believed that only by fighting for justice would the lives of the Harijans really change and not by appealing to the caste Hindus to change their thinking and to come out and do charity to the downtrodden. I believe the approach has to change from the concept of welfare and charity and giving doles and other kind of things. We have to make the Harijans of this country feel that they are equal citizens, that they have equal rights and they have to be given that sense of identity and that sense of self pride which, I think, is the basis of human dignity.

For too long we have made speeches. Here I would like each one in this country to do some soul-searching. How honest are we when we talk about doing this for the Harijans and doing that for them? How many will go to their bastis and sit and eat with them? How many of them will let the sons and daughters marry with the people of the castes which, they think, are not as good as theirs? It is easy to make speeches and easy to make pronouncements and bring amendments and talk. Until and unless we realise that basic changes in the structure of our society have to be brought about, nothing is really going to change.

Therefore, as far as banning of night-soil carrying is concerned, I would appeal to the Minister to look into this because he is a very committed Minister, I realise, and I am sure that if he makes up his mind, he can make thing moves. (*Time bell rings*)

There is just one thing here, and this is where I want to quote from Ambedkar. He had argued that the outcasts were a product of the caste system.

SHRI V. GOPALSAMY: The Vice-Chairman also has a soft corner for her. So, she is ringing very mildly.

SHRIMATI MARGARET ALVA: I am finishing.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The bell has a soft corner for her.

SHRIMATI MARGARET ALVA: I think that there will be outcasts as long as there are castes. To the explanation that the caste system represented the division of labour in the society, he had retorted:

> "The caste system is not merely a division of labour, but it is a division of the labourers along a hierarchical system."

Sir, I can go on, and I can say a lot more. But I do not wish to take more time. I would like to say that the time has come when we have to move beyond just pious hopes and unveiling of portraits and garlanding of statues and posthumous awards. They are all important. But I believe that the real question is: Are we going to make them an integral part of our national life in our society, or are we going to be satisfied with tokenism? We think that by doing this we please some people and if we get more votes, we do something. I am sorry, Sir, even the announcement of this was made in Bombay during the election campaign. It would have been of much greater significance if that announcement was made, maybe, on the 14th of April. Instead of that, it was announced in an election meeting in Bombay. Do we have to politicise the exploitation?

SHRI PRAMOD MAHAJAN: It was a public meeting. It was not an election meeting.

SHRIMATI MARGARET ALVA: Yes, it was during the Assembly election, I know. The notification had already been issued for the election. (*Interruptions*) The process of election had set in. I have got the dates. I have got everything. It was after the notification had been issued. If anybody else had done it, of course, there would have been a hue and cry. Because it was this occasion and it was this great thing, nobody really raised it. But it is wrong, I am saying, to politicise this exploitation, to politicise the misery of this community.

On the other hand, as I said, Sir, I think the time has come for all of us to stop sitting back and to see what has to be done because ultimately they will unite, and if there is no justice, they are going to take it through violence and through bloodshed. I believe it that is to be stopped, the time has come for all of us to work together cutting across political lines and parties and see that the dreams of Mahatma Gandhi and the hopes of Baba Saheb Ambedkar are achieved before we reach the year 2000 A.D.

6 P.M.

With these words I support the Bill and request again the hon. Minister to give special consideration to other communities which have been left out. They are of the same stock. They have the same problems, the same discrimination and the same exploitation. I think he owes it to them as the Minister for Welfare to give them also the right to live as equal citizens. With these words I support the amendment.

SHRI P. K. KUNJACHEN (Kerala): I support the Bill. At the same time some legal disputes have been raised here. I am not a legal expert, but in this House I wish to mention one thing. According to the Constitution itself for being a Scheduled Caste there are two qualifications. One is that one must belong to a caste and the other is that he must belong to either the Hindu or the Sikh religion. Now, the caste aspect is not going to be changed by this Bill. Only the religious aspect is going to be amended. Those who belong to Hindu and Sikh religions with the caste enjoy the concession. Now, the Buddhist religion has been added to this also. This is the only change. There is no other change. People generally argue that There are no castes when they are converted. either to Christianity or Buddhism. That is absolutely wrong. It is a total falsehood I can tell you from my own experience in my own State — Kerala — as an example. I as a Member of the Evaluation Committee for the Third Five-Year Plan and also as a Member of a Commission for reservation for the backward classes came to know various aspects. When I was a Member in the Legislative Assembly, there also I mentioned this. It is written in the school registers Pookree, Pakree, Kookree. Nobody will understand this. Assembly Members also failed to understand this. There are sub-castes in the Scheduled Castes. Pulaya is a sub-caste; Kurwa is a sub-caste and Paraya is a sub-caste. For short form for Pulaya Christians, it is written Pookree; in Malayalam Paraiya similarly for Paraiya Christians it is written Pakree and for Kurya Christians it is written Kookree. This is maintained in the Church even. And they claim there is no caste system in the Christian religion, no caste system in other religions. Is it a fact? Not only that there are separate churches for convert Christians. For Purya Christians there are separate churches; for Kurwa Christians there are separate churches and for Pulaya Christians there are separate churches. Even now there are a number of churches in existence in Kerala. Not only in Kerala but in Tamil Nadu also the position is the position is the same. It is not a new thing which is affecting not only one State but the country as a whole. So caste system remains. As my friend said, a person belonging to the *chamar* community embraces Buddhism and wants to enjoy the concessions. Certainly he would like to enjoy the concessions. He will say "I belong to the *chamar* community and at the same time I am a Buddhist." They will certify like that and get the concessions. Though they embrace Buddhism or Christian religion, actually the caste system remains. So I am of the strong opinion that this concession should be extended not only to people who have embraced Buddhism but also to the people who have been converted to Christianity from Scheduled Castes. I mentioned two qualities for becoming Scheduled Caste. One is the caste and the other is the religion; but in the case of Scheduled Tribes, this classification is not there. A person belonging to the Scheduled Tribes can be a Hindu or he can be a Christian and he gets the concession. Regarding the Tribe there is a difference. Only regarding the Scheduled caste, this religion comes as a barrier. So that barrier has to be removed. At the same time when these concessions are extended we have to consider another point also because there is an apprehension among the Hindu sections of the Scheduled Castes. They feel that they will be loosing their chance when concession is extended to the Scheduled Castes who got converted to Christianity, their number being quite large. We know that the reservation is based on census. Similarly, reservation for seats to the Assembly is also based on population and seats for Parliament also are reserved based on the population. So if the Scheduled Castes who got converted to

Christianity also come with These people, they fear that their reservation percentage will be affected because their number is large. The percentage of reservation now in Kerala is 10 per cent and it varies from State to State. In some places it is 15 per cent and in some places it is 12 per cent. It goes like that. In a State where reservation is ten per cent if the people from the Scheduled Castes who got converted to Christianity are added, then their total number comes to 15 per cent, then this reservation also has increase to 15 per cent. Similarly reservation for Assembly seats also must be increased from 10 per cent to 15 per cent and Parliament seats also must be increased. The Hindu sections of the Scheduled Castes also got an apprehension and that also we have to take into account. As Smt. Margaret Alva said though they have been converted to Christianity or Buddhism, the same condition prevails.

[The Deputy Chairman in the Chair.]

The name of religion is only changed and nothing else is changed. The untouchability continues, the caste system continues and other economic difficulties in life continue. I want to submit that the Minister has brought forward a Bill for the inclusion of the Buddhists. I request the Minister to include the Christian converts from the Scheduled Castes also. The Minister said that he will consider it later. That is a fact that affecting Tamil Nadu, Andhra, almost all the States in India. They also must be brought under the purview of this Bill. Why is there so much demand for inclusion in the Scheduled Castes and the Scheduled Tribes List? It is because under the present system, they will get some concessions. But reservation is not a panacea for protecting the interests of the Scheduled Castes and the Scheduled Tribes. I, from this august House wish to tell them, the Scheduled Castes and the Scheduled Tribes and they know it also whether they are converted into Buddhists or Christians, only by organising themselves and fighting for ameliorating their conditions, their conditions will improve; only by creating a new social order, their conditions will improve. Unless and until the social order is changed, their condition is not going to be changed. The only solution is, try to change the society and with that their conditions will change. With these words I conclude.

श्री अजीत जोगी (मध्य प्रदेश) : उपसभापति महोदय, सबसे पहले तो मैं शासन को बधाई देता हूं धन्यवाद देता हूं, साधुवाद देता हूं कि एक ऐसा बिल माननीय सदन में प्रस्तुत किया गया है, जो बहुत लंबे अरसे से एक कमी थी, मांग थी, उसको पूरा करेगा । इसलिए भी शासन को बधाई देनी चाहिए क्योंकि वर्तमान शासन ने पिछले कुछ दिनों में इस दिशा में बहुत अच्छे काम किए हैं, संकेत के रूप में सही, लेकिन वे काम अच्छे हैं और उनकी प्रशंसा की जानी चाहिए । बाबा साहब को भारत-रत्न की उपाधि से सुशोभित करना, बाबा साहब की तस्वीर का सेंट्रल-हाल में अनावरण किया जाना, उनके जन्म-दिवस पर अवकाश देना, यह ऐसा संकेत हैं, जिनकी प्रशंसा की जानी चाहिए ।

महोदया, जब बात समाज के सबसे अधिक शोषित और समाज में सबसे अधिक अन्याय और अत्याचार से ग्रसित व्यक्ति की होती है, तो हमको दलों की सीमाओं से ऊपर उठना चाहिए । हमारे माननीय वरिष्ठ सदस्य अटल बिहारी वाजपेयी जी अकसर कहा करते हैं कि कुछ मुद्दे ऐसे होते हैं, जिनका संबंध दल से नहीं, दिलों से होता है । यह मुद्दा भी एक ऐसा मुद्दा है, जिसका संबंध दल से नहीं, दिलों से है और जबकि मैं शासन को बधाई दे रहा हूं, उसके साथ ही एक थोड़ी सी तकलीफ, थोड़ा सा दर्द है मुझे, कि इतना अच्छा कार्य करते समय न जाने शासन की क्या मजबूरियां थीं, न जाने शासन की क्या विवशताएं थीं कि पिछले कई दिनों से

[श्री अजीत जोगी]

बार-बार उनका ध्यान आकर्षित करने के बाद भी वह इस संशोधन अधिनियम के दायरे को बढ़ा नहीं सके । कुछ ऐसा लगता है कि वर्तमान शासन की जो दो बैशाखियां हैं, उनमें से एक जो सांप्रदायिक बैशाखी है, उस बैशाखी को न छोड़ने की विवशता ने शासन को इस संशोधन अधिनियम को केवल नव-बौद्धों तक ही सीमित करने के लिए मजबूर किया । यह बात मेरे बहुत से माननीय सदस्यों ने पहले कही है, इसलिए मैं विस्तार से इस पर नहीं कहना चाहूंगा कि जब व्यक्ति का धर्म-परिवर्तन होता है तो भारत राष्ट्र में हिंदुत्व की ओर उससे बढ़कर मनु स्मृति के अंतर्गत जो चतुर्वर्ण व्यवस्था इस राष्ट्र को प्रदान की गई है उसकी जड़े इतनी गहरी है कि वह चाहे किसी भी धर्म को मानने लगे, उस धर्म की जो धरोहर जाति है वह उसका पीछा नहीं छोड़ती । हमारे दक्षिण भारत के बहुत से माननीय सदस्यों ने अभी उद्धारण दे देकर बताया है कि केवल अनुसूचित जन जाति से इसाई बन जाने के बाद या मुसलमान बन जाने के बाद जो चतुर्वर्ण व्यवस्था अन्याय, शोषण और अत्याचार होता है उससे उनको छुटकारा नहीं मिलता । मुझे एक घटना बहुत अच्छी तरह से याद है । मैं दक्षिण भारत गया था । एक ही घर में मुझे दो व्यक्ति ऐसे मिले, एक भाई अनुसूचित जाति का था, उसे संविधान की सारी सुविधा मिल रहीं थीं, उसी घर में उसके ही साथ, रोज़ वहीं भोजन करने वाला, उसी घर में, उसके ही साथ, वैसे ही जूते-चप्पल बनाने वाला एक दूसरा भाई, जिसने अपना धर्म परिवर्तन कर लिया था, उसको वे सुविधाएं नहीं मिल रही थीं । दक्षिण भारत में यह समस्या अधिक है , उत्तर भारत में अधिक नहीं है क्योंकि उत्तर और पूर्व भारत में जिन लोगों ने धर्म का परिवतन किया है, उनका धर्म परिवर्तन अधिकतर अनुसूचित जाति से नहीं हुआ, अनुसूचित जन जाति से हुआ है । ...(व्यवधान)...

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश) : महोदय, मैं जोगी जी को टोकना नहीं चाहता, लेकिन अगर वह इजाजत दें तो मैं एक सवाल पूछूं ।

क्या इन्होंने, जब वह ऐसे परिवार में गए, जहां एक भाई अनुसूचित जाति का था और दूसरा क्रिश्चियन हो गया था और सुविधाओं से वंचित हो गया था, तो क्या उन्होंने जो भाई क्रिश्चियन हो गया था, उससे यह पूछा कि वह क्रिश्चियन क्यों हो गया ?

श्री अजीत जोगी : : मैंने यह प्रश्न उनसे नहीं किया क्योंकि जिस संदर्भ में मैं गया था, वह संदर्भ कुछ और था । यह उदाहरण मैंने इसलिए दिया क्योंकि यह उदाहरण मैंने यथार्थ में देखा और दक्षिण भारत के हमारे माननीय सदस्य इसे रेखांकित करेंगे कि ऐसे उदाहरण दक्षिण भारत में अनेक हैं जहां धर्म का परिवर्तन हो गया है किंतु उनकी बस्ती वही है, रहने का स्थान वही है, काम करने का तरीका वही है, धंधा वही है और उनके ऊपर जो शोषण होता है समाज के द्वारा, जो उनकी हेय दृष्टि से देखा जाता है, वह सब कुछ वैसा ही है जसा पहले था । इस समस्या की तरफ़ हम उत्तर भारत में रहने वाले लोग ध्यान नहीं दे पाते हैं क्योंकि उत्तर भारत में, विशेषकर हिन्दी भाषी प्रान्तों में, जिन लोगों का धर्म परिवर्तन हुआ है, वे ज्यादातर आदिवासी लोग थे, पर अनुसूचित जाति के जो ऐसे लोग हैं, जिनका धर्म परिवर्तन हुआ है, उनकी संख्या दक्षिण भारत में बहुत अधिक है और वह ये बातें ज्यादा ध्यान से देखने की हैं तो मैं यहां यह कहना चाहूंगा (समय की घंटी) कि एक बहुत बडी कमी इस विधेयक में रह गई है । हमारे राष्ट्र में वसे कोई अधिकृत रूप से आंकडे उपलब्ध नहीं हैं, किंतु ऐसा कहा जाता है कि कम से कम 40–50 लाख लोग ऐसे हैं जो या तो अनुसूचित जाति से इसाई धर्म का पालन करने लगे हैं या मुस्लिम धर्म का पालन करने लगे हैं, किन्तु उनके साथ चतुवर्ण व्यवस्था का जो अन्याय है वह अब भी वसे ही बरकरार है, जैसे पहले था, । उनके साथ अभी भी दूसरे लोग रोटी-बेटी का व्यवहार नहीं करते, उनके साथ अभी भी वसे ही अत्याचार और शोषण होता है और जैसा अभी माननीय सदस्य ने बताया कि यदि वह मसीही बन गए हैं, इसाई बन गए हैं, त

इसाई समाज के अंतर्गत भी उनमें उसी तरह का डिस्क्रिमिनेशन अब भी होता है, उसी तरह से उनके ऊपर अन्याय होता जैसा कि वह पहले जब हिन्दू धर्म के थे, तब होता था। यहां तक उनका जो (समय की घंटी) महोदया, मैं दो-तीन मिनट में समाप्त करूंगा। महोदया, हम लोगों ने बहुत सी बातें कीं, और बाबा साहब को स्मरण किया, बड़े प्रेम से स्मरण किया। उन्होंने और अन्य लोगों ने इस विषय में जो अपने मत दिए हैं, यहां पर मैं उनके एक-दो वाक्य उद्धृत करना आवश्यक समझता हूं। बाबा साहब ने स्वयं लिखा है :—

"Conversion has not brought any change in the social status of untouchables. To the general mass of Hindus, an untouchable remains an untouchable even if he becomes a Christian or Muslim."

This I am quoting from the speeches and writings of Dr. B. R. Ambedkar, published by the Government of Maharashtra.

ठीक ऐसी ही बात महात्मा गांधी ने भी कही है। उन्होंने भी जब इस समस्या पर विचार किया तो उन्होंने 26-12-1936 को अपने समाचारपत्र "हरिजन" में लिखा था :—

"Whether a Harijan is nominally a Harijan, a Muslim or a Hindu or, now, a Sikh, he is still a Harijan. He cannot change his blot inherited from Hinduism. He may call himself a Catholic Harijan or a Muslim Harijan or a neo-Muslim or a neo-Sikh, but his untouchability will haunt him during all his life."

माननीय सदस्या श्रीमती अल्वा ने, प्रोफ़ेसर दंडवते ने, जो आजकल इस सरकार के वित्त मंत्री हैं, उन्होंने मंडल कमीशन के सामने जो बात कही थी, वह उद्धृत की और उन्होंने भी इस बात की ताईद की, थी, इस बात को रेखांकित किया था कि धर्म का परिवर्तन होने के बाद भी आज चतुर्वर्ण व्यवस्था के अंतर्गत एक व्यक्ति को दूसरे व्यक्ति से नीचे मानने की प्रवृत्ति है, वह समाप्त नहीं होती।

दक्षिण भारत में बहुत से कमीशन बनाए गए, इस विषय पर विशद अध्ययन किया गया। समय की कमी है इसलिए मैं उन सब कमीशनों का उल्लेख और उन्होंने क्या निष्कर्ष निकाले यह तो नहीं बता पाऊंगा लेकिन मैं उनका नाम जरूर लेना चाहूंगा। कुमारपिल्लै कमीशन की रिपोर्ट 1965 में आई।

There is the Santhanam Commission Report, a Report of the Backward Classes Commission of Tamil Nadu, published in 1970. The Chidambaram Report which was an evaluation report on Intensive Agricultural Area Programme, published in 1975.

ये उन कमीशनों की रिपोर्ट हैं जिन्होंने इस विषय पर विशद अध्ययन किया। उन सब का यही निष्कर्ष है कि व्यक्ति का धर्म परिवर्तन होने के बाद भी हमारे समाज में जो चतुर्वर्ण व्यवस्था की जड़ें है, वे इतनी गहरी हैं कि उनके कारण एक व्यक्ति का दूसरे व्यक्ति से जो फ़र्क है (समय की घंटी) वह समाप्त नहीं होता है। महोदया, आपकी घंटी बार-बार बज रही है।

उपसभापति : मेरी घंटी नहीं, आपकी घंटी बजा रही है। सात बजे तो इसे खत्म करना चाहिए।

SHRI JAGESH DESAI (Maharashtra): He has done very good research.

THE DEPUTY CHAIRMAN: I know he has done.

श्री अजीत जोगी : महोदया, चूंकि समय कम है इसलिए मैं अब उपसंहार करना चाहूंगा और यह कहना चाहूंगा कि जैसा मंत्री महोदय ने प्रारंभ में आश्वासन दिया है कि जो समस्या नव-बौद्धों की है, बिल्कुल वही समस्या जिन लोगों ने ईसाई धर्म को अपना लिया है, ऐसे बहुत कम लोग हैं, लेकिन फ़िर भी हैं तो सही जिन्होंने इस्लाम धर्म को अपना लिया है किंतु वे पहले अनुसूचित जाति के सदस्य थे। उनके साथ भी उसी तरह का सामाजिक, शैक्षणिक और आर्थिक भेदभाव अभी तक बना हुआ है, उनको भी इसमें सम्मिलित करने के विषय में शासन अवश्य विचार करे, यही मेरा निवेदन है। धन्यवाद।

उपसभापति: श्री मोहम्मद खलीलुर्रहमा न जी, आप बोलिए, । आपकी पार्टी के 8 मिनट हैं, कृपया 7 मिनट बोलिए ।

मोहम्मद खलीलुर रहमान (आन्ध्र प्रदेश) आठ मिनट के अन्दर ही खत्म कर दूंगा ।

उपसभापति : शुक्रिया :

मोहम्मद खलीलुर रहमान : मैडम डिप्टी चेयरमैन साहिबा मैं "दि कांस्टीटयूशन शडयूल्ड कास्टस आर्डर्स अमैंडमैंट बिल-1990" का भरपूर ताईद करता हूं । मैं सबसे पहले नेशनल फ्रंट हुकूमत और उसके वजीरे आज़म और फिर हमारे नौजवान वजीरे वैलफेयर जनाब पासवान जी को मुबारकबाद देता हूं कि उन्होंनें वजीरे आज़म ने 15 जनवरी, 1990 को बम्बई के एक अजीमुश्शान जल्से में जो ऐलान किया था उस वायदे को वह पूरा कर रहे हैं । जैसा कि कहा गया कि वायदा इलैक्शन के मौके पर किया गया था, मैं समझता कि 15 जनवरी को न तो इलैक्शन का कोई नोटोफ़िकेशन जारी हुआ था और न इलैक्शन के ताल्लुक से कोई तारीख फ़िक्स की गयी । बहर-हाल इलैक्शन के जो वायदे होते हैं हमने पिछलें 40 वर्षों में देखा कि वायदे फ़रामोश कर दिये जाते हैं । मगर काबिले तहसीन हैं कि यह हुकूमत छः महीने के अन्दर ही इन वायदों को पूरा कर रही है और आज हमारे सामने यह बिल मौजूद है ।

मोहतरमा, जैसा कि आप अच्छी तरह जानती हैं हिन्दुस्तान की आजादी से कब्ल यहां पर जो शुद्ध जातें थीं उनके ताल्लुक से छुआछात थी और यहां तक कि उनको मंदिरों में जाने नहीं दिया जाता था और फ़िर कई किस्म के उन पर मजालिम ढाये जाते थे । मगर इसके बावजूद आजादी से क़ब्ल न तो उनकी कोई बात सुनी गयी और न उनके लिये कुछ किया गया । आजादी के बाद जब हमारा दस्तूर बना तो दस्तूर बनाने वालों ने इस बात को यह जरूरी समझा कि ऐसे पिछड़े हुये और मजलूम और गरीब भाइयों के लिये यह कानून बनाया जाये; जिसके जरिये उन्हें इस बात की जमानत दी जाये, इस बात की तहफ़ूज दिया जाये कि वह भी हिंदुस्तान के मुआशरे में हिंदुस्तान की सोसायटी में दूसरे शहरियों के साथ-साथ बराबर का हिस्सा ले सकते हैं और पूरे-पूरे मुवाहके हासिल कर सकते हैं । चुनांचे, यह रिजर्वेशन की जो पौलिसी आयी उसके तहत उन्हें मुलाजिमतों में, उन्हें असेम्बली की, पार्लियामेंट की सीटों के लिये और फिर उनके तालिबों-इलमों के जो स्कोलरशिप हैं उसके लिये उन्हें रिजर्वेशन दिया गया। मगर इसके बावजूद हम यह देखते हैं कि पिछले 40 सालों में जिस तरह से उनके साथ सलूक किया जाना चाहिये था और जिस तरह से 40 वर्षों में जो उनके इकानोमिक और सोशल कंडीशंस में सुधार आना चाहिये था उस किस्म का सुधार नहीं आया, बड़े अफ़सोस की बात हैं। अब जबसे कि यहां का सियासी माहौल मुकम्मिल बदल चुका है और नयी उम्मीद की एक किरण पैदा हुई है तो इस बात की पूरी तवोक्कह है कि यकीनन इस सिलसिले में भी यह सुधार आयेगा ।

आजादी के बाद 1956 में डाक्टर अम्बेडकर की क़यादत में बहुत सारे हरिजन भाईयों ने शैडयूल्ड यानी हिन्दु मत को तब्दील करके जिन्होंने बुद्धिज्म अख्तयार किया था और उसके बाद यह मुसलमान जो है मुतालबा किया जा रहा था कि उन्हें जो पहले सहूलियतें थी या है सियत शैडयूल्ड कास्ट के वही सहूलियतें बुद्धिज्म अख्तिार करने के बाद भी उन्हें मिलनी चाहिये थी । अब यह महसूस किया गया कि इतने इस्ट्रगल के बाद कि उन्हें यह सहूलियतें मिलनी चाहिये तो यहां यह सवाल पैदा होता है बुद्धिस्तों के साथ-साथ और भी जो दूसरे कई मजहबों के लोग हैं, मिसाल के तौर पर क्रिश्चयन हैं और इससे हटकर मुसलमान भी हैं, जो शैडयूल्ड कास्ट मजहबे इस्लाम भो कबूल किये हैं, क्रिश्चियनज्म भी कबूल किये है या बुद्धिज्म को जो इस तरह की सहूलियतें दे रहे हैं तो जाहिर है कि क्रिश्चयनों को और मुसलमानों को भी सहूलियतें दी जायें । जहां तक मजहबे इस्लाम का ताल्लुक है, मैं यह बात बाजे और साफ जाहिर कर देना चाहता हूं क्योंकि एक गैर मुस्लिम

जब मुशरेफ़-बा-इस्लाम जो होता है तो उसके पुराने जो रिश्ते होते हैं वह पुराने उसकी जात के वह पूरे रिश्ते बिल्कुल ही खत्म हो जाते हैं और फ़िर मुशरेफ़-बा-इस्लाम होने के बाद सिर्फ़ वह मुसलमान रहता है। यहां पर यह कहा गया है कि यह जो रिजर्वेशन दी जा रही है उनकी सोशल कंडीशंस, उनकी इकोनोमिकल कंडीशंस और उनकी जो वैकवर्डनैस है उसको सामने रखते हुए दी जा रही है। यह मैं कहूंगा कि यही सहूलियतें क्रिश्चन भाइयों को दें, मुस्लिम भाइयों को दें। चुनाचे वजीरे आज़म ने बम्बई में एलान किया था उसके साथ ही हमारे हिन्दुस्तान के नेशनल न्यूज पेपर में कई किस्म के एडिटोरिय स आये थे। उन एडिटोरिय स मैं यह कहा गया था कि बौद्धिज्म को देना यकीनन एक लाइके खैरमकदम इकदाम है इसके साथ-साथ दूसरे लोगों को न देना उनके साथ नाइन्साफी होगी। मैं अपने वजीर वैल्फेयर श्री पासवान जी से यह दर्खास्त करूंगा कि वह जब बिल को पास करते हुए अपना जवाब दें तो इस बात क† तयकुन दें, दूसरे जो मजाहिब हैं, शेड्यूल्ड कास्ट्स ने दूसरे मजाहिबों को कबूल किया है उनके लिए भी इस किस्म का तयकुन दें। इन चंद शब्दों के साथ आपका शुक्रिया दा करता हूं। धन्यवाद।

پور تارتا ہوں کوں - میں سب سے پہلے نیشنل فرنٹ حکومت اور اسکے وزیر اعظم اور پھر ہمارے نوجوان وزیر ویلفیئر جناب پاسوان جی کو مبارکباد دیتا ہوں کہ انہوں نے وزیر اعظم کے ۱۵ جنوری ۱۹۹۰ کو بمبئی کے ایک عظیم الیشان جلسے میں جو اعلان کیا تھا - اس وعدہ کو پورا کر رہے ہیں - جیسا کہ کہا گیا کہ وعدہ الیکشن کے موقع پر کیا گیا تھا - میں سمجھتا ہوں کہ ۱۵ جنوری کو نہ تو الیکشن کا کوئی نوٹیفکیشن جاری ہوا تھا اور نہ الیکشن کے تعلق سے کوئی تاریخ فکس کی گئی تھی - بہرحال الیکشن کے جو وعدے ہوئے ہیں - ہم نے پچھلے چالیس سالوں میں دیکھا کہ وعدے فراموش کو دیئے جاتے ہیں مگر قابل تحسین ہے - یہ حکومت کہ چھہ مہینے کے اندر ہی ان وعدوں کو پورا کر رہی ہیں - اور آج ہمارے سامنے یہ بل موجود ہے -

محترمہ - جیسا کہ آپ اچھی طرح جانتی ہیں کہ ہندوستان کی آزادی سے قبل یہاں پر جو شدر ذاتیں تھیں انکے تعلق سے چھواچھات تھی اور یہاں تک کہ ان کو مندروں میں نہیں جانے دیا تھا - اور پھر کئی قسم کے ان پر مظالم ڈھائے جاتے تھے - مگر اسکے باوجود آزادی سے قبل نہ تو انکی کوئی بات سنی گئی اور نہ انکے لئے کچھہ کیا گیا - آزادی کے

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†[ ] Transliteration in Arabic Script.

†[شری محمد خلیل الرحمان (اندھرا پردیش) : آٹھہ منٹ کے اندر ہی ختم کردوں گا - اپ سبھا پتی : شکریہ -

شری محمد خلیل الرحمان : میڈم ڈپٹی چیرمین صاحب - میں ددی کانسٹی ٹیوشن شیڈولڈ کاسٹ آرڈرس امنڈمنٹ بل ۱۹۹۰ کی

آزادی کے بعد ۱۹۵۶ میں ڈاکٹر امبیڈکر کی قیادت میں بہت سارے ہریجن بھائیوں نے شیڈولڈ یعنی ہندو مت کو تبدیل کرکے انہوں نے بدھرم اختیار کیا تھا - اور اسکے بعد یہ مسلسل جو ہے مطالبہ کیا جارہا تھا کہ انہیں جو پہلے سہولتیں تھیں بحیثیت شیڈولڈ کاسٹ کے وہی سہولتیں بدھرم اختیار کرنے کے بعد بھی انہیں ملنی چاہئیے - اب یہ محسوس کیا گیا کہ اتنے اسٹرگل کے بعد کہ انہیں یہ سہولیتیں ملنی چاہئیے - تو یہاں یہ سوال پیدا ہوتا ہے کہ بدھشٹوں کے ساتھ ساتھ اور بھی جو دوسرے کئی مذاہب کے لوگ ہیں - مثال کے طور پر کرسچین ہیں اور اس سے ہٹ کر مسلمان ہیں - جو شیڈولڈ کاسٹ مذہب اسلام بھی قبول کئے ہیں - جو کرسچینزم بھی کئے ہیں - یا بدھرم کو جو اس طرح کی سہولیتیں دے رہے ہیں تو ظاہر ہے کہ کرسچینوں کو اور مسلمانوں کو بھی دی جانی چاہئیے جہاں تک مذہب اسلام کا تعلق ہے میں یہ بات واضح اور صاف ظاہر کر دینا چاہتا ہوں کیونکہ ایک غیر مسلم مشرف بہ اسلام ہوتا ہے تو اسکے پرانے رشتے جو ہوتے ہیں وہ پرانے اسکی ذات کے وہ پورے رشتے بالکل ہی ختم ہوجاتے ہیں - اور پھر مشرف بہ اسلام ہونے کے بعد

[شری محمد خلیل الرحمان]

بعد جب ہمارا دستور بنا تو دستور بنانے والوں نے اس بات کو یہ ضروری سمجھا کہ ایسے پچھڑے ہوئے اور مظلوم اور غریب بھائیوں کیلئے یہ قانون بنایا جائے - جس کے ذریعے انہیں اس بات کی ضمانت دی جائے - اس بات کا تحفظ دیا جائے کہ وہ بھی ہندوستان کے معاشرے میں ہندوستان کی سوسائٹی میں دوسرے شہریوں کے ساتھ ساتھ برابر کا حصہ لے سکتے ہیں - اور پورے پورے مواقع حاصل کرسکتے ہیں - چنانچہ یہ رزرویشن کی جو پالیسی آئی اسکے تحت انہیں ملازمتوں میں انہیں اسمبلی میں - پارلیمنٹ کی سیٹوں کیلئے اور پھر انکے طالب علموں کیلئے جو اسکالر شپ ہیں - اسکے لئے انہیں رزرویشن دیا گیا ہے - مگر اسکے باوجود ہم دیکھتے ہیں کہ پچھلے چالیس برسوں میں جس طرح سے انکے ساتھ سلوک کیا جانا چاہئیے تھا - جس طرح سے ۴۰ برسوں میں جو انکے اکونومک اور سوشل کنڈیشنس میں سدھار آنا چاہئیے تھا اس قسم کا سدھار نہیں آیا - بڑے افسوس کی بات ہے کہ یہاں کا سیاسی ماحول تبدیل ہوچکا ہے اور نئی امید کی ایک کرن پیدا ہوئی ہے تو اس بات کی پوری توقع ہے کہ یقیناً اس سلسلے میں بھی یہ سدھار آئے گا -

صرف وہ مسلمان رہتا ہے - یہاں پر یہ کہا گیا ہے کہ جو ریزرویشن دی جارہی ہے اسکی سوشل کنڈیشنس - انکی اکونومک کنڈیشنس اور انکی جو بیک ورڈنیس ہے اسکو سامنے رکھتے ہوئے دی جارہی ہے یہ میں کہونگا کہ یہی سہولتیں کوسچین بھائیوں کو دیں - مسلم بھائیوں کو دیں - چنانچہ وزیر اعظم بمبئی میں اعلان کیا تھا اسکے ساتھ ہی ہمارے ہندوستان کے نیشنل نیوز پیپرز میں کئی قسم کے ویڈیٹوریل میں یہ کہا گیا تھا کہ بدھسٹ کو دینا یقیناً ایک لائق خیرمقدم اقدام ہے - اسکے ساتھ ساتھ دوسرے لوگوں کو نہ دینا انکے ساتھ نا انصافی ہے - میں آپ وزیر ویلفیئر شری پاسوان جی سے یہ درخواست کرونگا کہ وہ جب بل کو پاس کرنے ہوئے اپنا جواب دیں تو اس بات کا یقین دیں - دوسرے جو مذاہب ہیں شیڈولڈ کاسٹ نے دوسرے مذاہبوں کو قبول کیا ہے انکے لئے بھی اس قسم کا کفن دیں - سبھوں کے ساتھ آپ کا شکریہ ادا کرتا ہوں - شکریہ

उप-सभापति : आपने अपने आठ मिनट ले लिए । आपने कम टाइम नहीं लिया ।

DR. YELAMANCHILI SIVAJI (Andhra Pradesh): Madam, how long are we going to sit?

THE DEPUTY CHAIRMAN: We will sit till 7. I would request Members that they should finish within that time because everyday Members say we are sitting very long. I, therefore, very humbly request Members to make their observations very briefly. Let us not go into the history of 40 years...

SHRI M. M. JACOB (Kerala): I hope Members will cooperate with the Chair.

THE DEPUTY CHAIRMAN: Yes, I hope so, that they will cooperate with the Chair at least once.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: If that is the feeling of the Chair that at least once they should cooperate with the Chair, it gives the impression that we are not cooperating with the Chair otherwise.

THE DEPUTY CHAIRMAN: Tomorrow is a holiday and before we adjourn the House today we should be able to finish this important business.

PROF. CHANDRESH P. THAKUR (Bihar): Madam, the proposed Amendment gives us an occasion for serious national introspection on the misuse of social and economic inequalities in the country and the effective ways to eradicate it. Deprivation, whether of social or of economic kind, leads to suffering; but worse, it generates social divisiveness and tension. It strains the entire political, legal and administrative

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system, as we are painfully witnessing in this country. The Statement of Objects draws attention, among other things to three apescts: the 1956 wave of conversion the ineligibility for statutory concessions like reservation in services and for seats in Parliament and Legislatures and non-statutory concessions like education, & thirdly, that religious conversion does not alter the social and economic conditions of the converts. Now, it is a tribute to the Buddhist religion that it gave a message of hope and attracted a section of a large number of people to seek its social umbrella. I would like to quote Pandit Jawaharlal Nehru on this aspect:

> "Buddhism subserved the important function of social and spiritual revival and reform in India. It infused a breath of new life in the people, it tapped new sources of popular strength and released new talent and capacity for leadership' Unlike Brahminism, the universalistic perspective of Buddhism was probably more suited to the needs of expansion of trade or industry. It became the dominant religion of India. It continued to occupy this place of pre-eminance up to the fifth century A.D....."

Pandit Nehru says in his Discovery of India:

> "But subsequently both Brahminism and Buddhism deteriorated and degrading practices grew up in them. It became difficult to distinguish between the two."

Madam, the point I am trying to make is that in search of social equality people try to change their religion. But how is it that this thought is generated in the practitioners of one religion who earlier affirmed to that religion and sought relief in conversion to the other religion? Again I would like to draw the attention of the House, Madam, to another of Nehru's comments:

> "Loss of political freedom, the loss of flexibility of mind, the rigidity of social structure constitute a chain suggesting that the social structure is the primary variable, the inflexibility of mind an intermediary variable and the loss of freedom is the consequence."

Probably this was the inevitable result of the growing rigidity, that is, our slavery was the result of the growing rigidity and exclusiveness of Indian social structure as represented by the caste system of the dominant religion. Madam, Gandhiji responded in an extremely imaginative way and led the Indian society on a refreshingly positive path. He intervened successfully at a very sensitive time in the history of India.

Madam, religious striptures do not discriminate between members of the same religion. Only the perverted practitioners of these noble religions bring distortions in narrow calculation, as we have heard, and this is not confined to one religion, this has now pervaded all religions. Religious thoughts enliven our soul and lift our thinking to higher planes. They provide intellectual richness and philosophical fer-

vour to the capable ones. They bring deeper and larger values in our lives to the fore. It is saddening and sickening, Madam, to find that religion and caste, which was initially identified as the basis for division of labour for economic reasons, has been converted into a tool of calculated exploitation, a lower instinct in the human mind for things which were not for which these were initially meant.

Though this amendment, Madam, the Government is trying to reach a certain objective but this also raises certain uneasy thoughts with regard to the circumstances which led to the conversion initially, and then still further uneasiness thought that why is it that through this amendment the initial converts are being sought to be again protected? I am not against the privileges being guaranteed. But I am raising a basic question as to why this society is generating a situation where people seek religious conversions in the first place, and why the economic processes of levelling up are ineffective so that people are again going back to seek the protection which initially they denied to themselves under social garb?

Madam, there are some disturbing possibilities to which I would like to drew the attention of the House, of the country, and particularly, of the Government which has initiated in all these areas.

First, the religion which was normally without caste is being perhaps subjected to the handicap of intra-religion division on caste lines. Secondly, it could encourage other groups of people to seek similar privileges. I am not opposed to that but I am trying to suggest that today the Buddhists, tomorrow Christians, and then why not Muslims why not other social groups? So this will have a cascading effect and is going to create complex problems in the society. And what is the way the Government can try to dissuade and bring salutary impact in the society? The third possibility, Madam, not an unlikely possibility is of a thrust towards conversion.

I would like simply to draw the attention of the House to what happened some time back in South India in Meenakshimpuram and other places in Tamil Nadu. (Time bell rings) Remember the Hindu backlash when a large number of Harijans opted for mass conversion to Islam in Meenakshipuram in Tamil Nadu and then in Madurai when a group of Harijan chose to become Muslims under those circumstances. I have nothing against individual choice of change of religion. I am trying to draw the attention of the House and of the Government towards a situation which encourages this kind of thinking, which creates a lot of divisive possibility in the society at large, and there is no end to this direction.

Finally, Madam, what I would like to suggest is that this country is an outstanding case of constitutionally providing reverse discrimination. I remember in the sixties and seventies when I was in the USA, teaching, I was invited to several churches to speak on the processes of reverse discrimination and what is called affirmative, positive discrimination which

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India has tried through the constitutional process. India was being applauded and yet what we find today is that it has not served the purpose. The fact that it has not served the purpose is proved by the number of extensions that we have given to reservation—first ten years, next ten years and another ten years. They are welcome steps. That also shows how inadequate are the efforts which continue to remain ineffective and we have to come back to the Parliament for further extension. Today we are seeking amendment to the Constitution to provide additional protection to those who initially had it but now have been deprived. (Time bell rings). Madam, the question is how we bring social as well as economic equality in the society? In my humble opinion, economic deprivation is the genesis everything. Maybe, my training in economics is giving me this bias. But I am suggesting this proposition. As a result, if the Government policies and programmes accelerate the process of economic levelling up, things will have a salutary effect on their own. Therefore, let the Government constantly move towards facilities of the kind and assistances of the kind which will accelerate the process of economic levelling up.

Madam, in the end, I would like to say that if every Harijan acquires the competence and the capabilities of the kind that Mr. Ram Vilas Paswan possesses, social esteem will not have to be requested for, but it will come automatically. So the question I am raising to Mr. Paswan is how to create many more Paswans through the social process, through the educational process and through the child-rearing process so that the society will begin to respect those categories and not continue to discriminate against them because of the accident of birth. Madam, let us look forward to the positive instruments of development. They are not only confined to economic ones. What about our child-rearing practices? What about the symbols in the society? What about our educational system? What about the facilities with regard to access to education? If all these things are there, perhaps we will not have to come back for further amendments of this kind. Whatever has gone in the history is history. Tomorrow perhaps we may not have to come with further amendments of the kind which the Minister is seeking now. With these words, I would like to draw the attention of the Government and of this House to these aspects again, and invite them to join me in the basic submissions that I am making without opposing the intent of the proposed amendment. Thank you, Madam.

उपसभापति : श्री प्रमोद महाजन । आपका तो यह पहला भाषण नहीं है, आप संक्षेप में बोल सकते हैं ।

श्री प्रमोद महाजन : अभी तक थोड़ा बोलने की आदत नहीं है ।

उपसभापति जो बुद्धिष्ट हैं उनको बोलने दीजिये ।...(**व्यवधान**)...

Let it be the last day of any discrimination.

श्री प्रमोद महाजन : इसी में 2 मिनट समाप्त हो जायेंगे ।

उपसभापति : आपका टाइम मैं तब से लिखूंगी जब आप अपना भाषण शुरु करेंगे ।

श्री प्रमोद महाजन : उपसभापति महोदया, बुद्ध पूर्णिमा की पूर्व संध्या पर डा० बाबा साहेब अम्बेडकर की जन्म शताब्दी में तथा महात्मा ज्योतिबा फूले की पुण्य स्मरण शताब्दी में संविधान (अनुसूचित जाति) आदेश (संशोधन) विधेयक, 1990 का मैं हृदय से स्वागत करता हूं और मैं अपनी और भारतीय जनता पार्टी की ओर से इस विधेयक का पूर्ण समर्थन करता हूं ।

महोदया, डा० बाबा साहेब अम्बेडकर ने 14 अक्तूबर, 1956 में विजय दशमी के अवसर पर अपने लाखों अनुयायियों के साथ नागपुर में बौद्ध दर्शन को स्वीकार किया और देखते देखते महाराष्ट्र के 13

प्रतिशत दलित बंधुओं में से, छह-साढ़े छह प्रतिशत दलित बंधुओं ने बौद्ध दर्शन को स्वीकार कर लिया । धर्मान्तरण का इतना शांतिमय उदाहरण आधुनिक इतिहास में कहीं नहीं मिलेगा । इसमें न जबर्दस्ती थी, न किसी प्रकार का प्रलोभन था । लाभ को तो छोड़ दीजिये, नुकसान हुआ । लोक सभा में तीन आरक्षित स्थान कम हुए, दर्जनों विधान सभा में आरक्षित स्थान कम हुए और सरकार की ओर से मिलने वाली रियायतें और सुविधायें कम हुईं । फिर भी किसी ने कदम पीछे नहीं हटाया, लड़ाई चलती रही । दुर्भाग्य से डा० अम्बेडकर जी के इतने बड़े प्रहार के बाद भी निवृत हिन्दू समाज में पर्याप्त जागृति नहीं आई । उसने थोड़ी सी करवट तो बदली परन्तु जागृत नहीं हुआ । अस्पृश्यता का कलंक समाप्त नहीं हुआ । जन्म के आधार पर ऊंच-नीच का भाव वैसा ही बना रहा और जातियों के आधार पर समाज रचना हम तोड़ नहीं पाए । जन्म नहीं कर्तव्य के आधार पर चलने वाली जाति रहित रचना का बाबा साहेब अम्बेडकर का सपना अधूरा रहा । इस कारण बौद्ध मत का अवलम्बन करने के बाद भी दलित बंधुओं की सामाजिक और आर्थिक स्थितियों में कुछ सुधार नहीं हुआ । 1957 से संसद और संसद के बाहर बौद्ध धर्मावलम्बी दलित बंधुओं को अनुसूचित जाति में सम्मिलित कर के सुविधाएं देने की लड़ाई चलती रही, विरोध होता रहा, आज इस विधेयक पर सारा सदन एक स्वर से बोल रहा है, यह आनंद की बात है । इतिहास के पुराने पन्नों पर कुछ और लिखा है लेकिन देर आयाद दुरुस्त आयाद । इस न्याय से यह संगातार्थ है । इस विधेयक का समर्थन करते समय हम सभी यह न कि इस विधेयक से हमारा कर्तव्य पूरा नहीं होता । अस्पृश्यता, जाति व्यवस्था को तोड़ कर समतायुक्त समाज की रचना यह हम सब का अन्तिम लक्ष्य होना चाहिये और यह विधेयक इस अन्तिम लक्ष्य की ओर जाने वाला केवल एक पग होगा, यह हमारी धारणा होनी चाहिए । इस विधेयक में दो संशोधन वितरित हुए हैं जिसमें बौद्ध के साथ क्रिश्चियन और मुसलमान शब्द जोड़ने के लिए कहा गया है । इस के संबंध में हमारी प्रतिक्रिया यहीं व्यक्त करना उचित होगा । मैं इस्लाम तथा क्रिश्चियन धर्म या उनके अनुयायियों के विरोध में नहीं हूं । अल्पमत को सुरक्षा प्रदान करना बहुमत का कर्तव्य है, इसमें कोई दो राय नहीं हो सकती लेकिन इस विधेयक में क्रिश्चियन या मुसलमान यह शब्द जोड़ने के पक्ष में हम नहीं हैं । इस प्रकार का शब्द विधेयक में जोड़ना नहीं चाहिये । इस संबंध में सब से पहले मैं सदन का ध्यान संविधान सभा की चर्चाओं की ओर आकर्षित करना चाहूंगा । संविधान सभा की अल्पसंख्यक, मौलिक अधिकार आदि समिति के अध्यक्ष सरदार वल्लभ भाई पटेल के नेतृत्व में गठित समिति ने भी इस पर विचार किया था । संविधान सभा ने भी इस पर विचार किया था और सारी चर्चा के बाद संविधान निर्माता इस निष्कर्ष पर पहुचे थे कि चूंकि यह सामाजिक आरक्षण है, सामाजिक विषमताओं की जो व्यवस्था है यह मुख्यतया हिन्दू धर्म का अंग है या हिन्दू धर्म की बुराइयां हैं और चूंकि यह हिन्दू धर्म की बुराइयां हैं स्वाभाविक रूप से इनका निराकरण भी हिन्दू धर्म पर ही लागू होगा । संविधान निर्माताओं ने जब यह सोचा उस समय भी हिन्दुस्तान में हिन्दू धर्म से इस्लाम या क्रिश्चियन धर्म को स्वीकार करने वाले लोग थे उस में अनुसूचित जातियों के भी कुछ लोग हो सकते हैं लेकिन संविधान निर्माताओं ने उस पर विचार नहीं किया और जानबूझ कर सोच समझ कर आने वाली सारी स्थितियों को ध्यान में रखते हुए संविधान निर्माताओं ने केवल हिन्दू या सिख इन शब्दों को जोड़ा था । आज हम बौद्ध की चर्चा कर रहे हैं । इसके साथ मुसलमान या क्रिश्चियन जोड़ना अनुचित होगा । बौद्ध धर्म के जो अनुयायी हैं उन पर हमने अन्याय किया । एक तो यह संविधान निर्माताओं के बाद की घटना है, 1956 में हुई और जब इन्होंने बौद्ध धर्म को स्वीकार किया तो उन्होंने आरक्षित सीटें तो गवाईं ही आरक्षित स्थान तो गवाए ही लेकिन इस पर हिन्दू धर्म के सभी कानून, शादी-विवाह, विवाह-विच्छेद

[श्री प्रमोद महाजन]

और वंश परम्परा के लागू थे और बौद्ध धर्म अपना लेने के बाद भी इन दलितों पर हिन्दू धर्म के सभी कानून लागू थे। इसलिए यह एक रूप से हिन्दू धर्म के अंग के रूप में थे। इसलिए बौद्ध धर्म को जिस प्रकार आज हम रियायतें दे रहे हैं, सुविधाएं दे रहे हैं, यह बहुत आवश्यक है, जरूरी है लेकिन इसके साथ क्रिश्चियन और मुसलमान शब्द जोड़ना गलत होगा।

श्री एन० के० पी० साल्वे : जो आप बोल रहे हैं, यह इसमें नहीं है।

श्री प्रमोद महाजन : इस में तो अमेंडमेंट्स प्रस्तुत किये गये हैं मैं उसके संबंध में अपना मत दे रहा हूं।

श्री एन० के० पी० साल्वे : आप तो ऐतिहासिक बेकग्राउंड दे रहे हैं। उससे यह बात समझ लीजिए कि इस बिल का उद्देश्य है कि इस बिल के साथ क्यों जुड़ना चाहिए। यह आप समझ लें। In the Statement of Objects and Reasons, it has been stated:

"Various demands have been made, from time to time, for extending all the concessions and facilities available to the Scheduled Castes to them also on the ground that change of religion has not altered their social and economic conditions."

If that be the reality, if, in the case of Muslims, in the case of Christians, change of religion has not altered their social and economic conditions by parity of reason, it should have been here.

श्री प्रमोद महाजन : साल्वे जी ने बहुत अच्छा मुद्दा उठाया है कि जब बौद्ध धर्म को दिया जाता है तो क्रिश्चियन और मुस्लिम धर्म के भी जो अवलम्बी हों, उनको क्यों नहीं दिया जाता है। एक तो यह सच बात है कि जाति हमारे यहां धर्मांतरण से नहीं जाती, वह अंतिम संस्कार में भी नहीं जाती और इसीलिए हिंदू जहां भी जाता है अपनी जाति लेकर जाता है और इसलिए शायद जाति की देश में यही व्याख्या है कि जो जाति नहीं है वही जाति है। इसीलिए जाति निकालना यहां मुश्किल है।

श्री एन० के० पी० साल्वे : आप बहुत बुनियादी सवाल पर आ गए हैं।

श्री प्रमोद महाजन : अब सवाल यह है कि अगर क्रिश्चियन और इस्लाम धर्म को स्वीकार करके भी जातियां नहीं जाती...(**व्यवधान**) इसलिए बौद्ध धर्म को मैं हिंदू धर्म से अलग नहीं मानता हूं। साल्वे जी आप नागपुर के हैं, इसलिए इस बहस को लम्बी करना हो तो मैं कर सकता हूं। मैं यह जानता हूं कि हैदराबाद के निजाम ने करोड़ों रुपये डाक्टर अम्बेडकर के सामने फेंके थे। दीक्षा भूमि का आप अम्बेडकर जी का भाषण देखें। उन्होंने कहा है कि मुझे क्रिश्चियन धर्म ने बुलाया, मुझे मुसलमान धर्म ने बुलाया, फिर भी मैं बौद्ध धर्म को इसलिए स्वीकार कर रहा हूं कि यह इस भूमि का धर्म है। इसलिए मैं कह रहा हूं कि बहस बढ़ेगी तो उसमें और कटुता होगी। इसी लिए मैं उसमें जाना नहीं चाहता और जानबूझकर संक्षेप में मैं अपना कथन रख रहा हूं। आप अम्बेडकर जी के उस भाषण को पढ़ लें तो उसमें आपको इन प्रश्नों का उत्तर मिल जायेगा ...(**व्यवधान**)

श्री अजीत जोगी : संविधान में...(**व्यवधान**)

उपसभापति : आप कृपया दो मिनट बोलकर स्थान ग्रहण कर लीजिए।

श्री प्रमोद महाजन : मैं तो ग्रहण कर लूंगा लेकिन यह बीच में...(**व्यवधान**)

उपसभापति : बीच में तो होगा जब आप बोलेंगे तो।

श्री प्रमोद महाजन : फिर तो चलता रहेगा, मैं क्या करूं। मैं नहीं बोल रहा हूं। जोगी जी बोले मैं तो नहीं बोला।

मैं यह कह रहा हूं कि इस्लाम और क्रिश्चियन धर्म को स्वीकार करके भी अगर जातियां नहीं जाती अगर यह

हिंदू धर्म का अभिशाप वहां जाता है तो आखिर लोगों को वहां पर ले क्यों जाया जाता है । इस देश में सामूहिक धर्मांतरण इस मुद्दे पर होता है कि आप क्रिश्चियन हो जाओ, आपको जाति व्यवस्था से ऊंचा उठा देंगे, आप मुसलमान बन जाओ आपको जाति व्यवस्था की आवश्यकता नहीं होगी । फिर जब इस प्रकार से आप कहते हो तो हिंदू से क्रिश्चियन बनने का कोई अर्थ ही नहीं बचा । जब जाति उसके साथ जाती है तो उसके मुसलमान और क्रिश्चियन बनने का कोई अर्थ ही नहीं बचा और मैं नहीं चाहता हूं कि दो प्रकार की व्यवस्थाएं इस देश में नहीं रहेंगी कि आप क्रिश्चियन और मुसलमान बनकर अल्पसंख्यक भी रहोगे, उसकी भी सुविधाएं लोगे और उसके साथ साथ आप यह भी कह रहे हैं कि मैं पुरानी उस जाति से संबंधित था इसलिए मुझे दलितों की भी सुविधाएं मिलनी चाहिएं । तो इनमें से एक तय करना पड़ेगा ।

एक माननीय सदस्य : यही बात बौद्ध धर्म पर भी एप्लाई होती है ।

श्री प्रमोद महाजन : फिर आप पूछ रहे हैं तो फिर आपको जवाब मिलेगा कि बौद्ध धर्म इस्लाम और क्रिश्चियन धर्म नहीं है, यह हिंदू धर्म का एक अंग है, इसी से निकला एक धर्म है, इसी भूमि का है और इसी में जानबूझकर डा0 बाबा साहिब अम्बेडकर ने बौद्ध धर्म को स्वीकार किया . . . **(व्यवधान)** और संविधान की धारा 25 के अंतर्गत . . **(व्यवधान)**

SHRI G. G. SWELL: May I add that Christianity is also an Indian religion? "It came to India two thousand years ago.

श्री मुहम्मद अमीन अंसारी (उत्तर प्रदेश) : महोदया जी, मेरी भी सुन लीजिए । जब कोई धर्म बदल लेता है तो दूसरे जिस धर्म में रहा है उससे आपका कोई ताल्लुक नहीं होता । वह अगर हिंदू धर्म से बौद्ध धर्म को स्वीकार कर लेता है तो वही माना जायेगा जो बौद्ध धर्म का है । हमारे यहां अगर कोई मुसलमान हो जाता है तो नीच ऊंच कुछ नहीं है। हमारे यहां मसावात है, न हमारे यहां कोई हरिजन है, और न कोई ऊंचा है, हम सब बराबर हैं । मगर आपने कहा अक्लियत । हम कमजोर हैं । हम सियासी, इक्तिसादी, आर्थिक नजरिये से कमजोर हैं . . . **(व्यवधान)**

श्री प्रमोद महाजन : यह दुर्भाग्य है, आपको समझ में नहीं आता है ।

मैं यह कह रहा था कि धर्मविलम्बन को जो धारा 25 है, उसमें भी जो हिंदू धर्म का वर्णन किया गया है उस हिंदू धर्म में सिख, बौद्ध और जैन इन धर्मों का उल्लेख है । उसमें क्रिश्चियन और मुसलमान का उल्लेख नहीं है । इसलिए हमारा संविधान भी हिंदू शब्द को बौद्ध में . **(व्यवधान)**

श्री एन० के०पी० साल्वे : महोदया, . . . **(व्यवधान)**

श्री प्रमोद महाजन: आपकी पार्टी के बहुत सारे लोग बोलने वाले हैं । तब आप बोल सकते है । . . . **(व्यवधान)** **(समय की घंटी)** मेरी लाईन आप तय नहीं करेंगे ।

श्री एन०के०पी० साल्वे : आपकी लाईन में नहीं तय कर रहा हूं । आप बोल रहे हैं, और न बोलें तो अच्छा है ।

उपसभापति : प्रमोद महाजन जी, जो आपको चाहता है, आप बोल कर खत्म कर दें, तो मैं आपकी बहुत आभारी होऊंगी ।

श्री प्रमोद महाजन : इसलिए जब मैं यह कहता हूं कि इस विधेयक में जो बौद्ध धर्म अवलम्बी दलित भाई हैं, इनको जो सुविधायें देने का प्रस्ताव है, उसका मैं स्वागत करता हूं । इस विधेयक का समर्थन करता हूं, लेकिन साथ ही साथ मैं इस बात को रखना चाहूंगा कि अगर इसको हम इस्लाम और क्रिश्चियन धर्म पर लाग करने का प्रयास करेंगे तो वह एक ऐतिहासिक गलती होगी । वह न करे, मेरी यही प्रार्थना है ।

श्री संघ प्रिय गौतम : महोदया,...

उपसभापति : अभी नहीं । आपकी बारी सैकंड राऊंड में आएगी । आप उनके जुड़वां भाई तो हैं नहीं । ...(व्यवधान) एक इधर से और एक उधर से आता है ना । इनके बाद आपकी बारी आएगी ।

SHRI V. NARAYANASAMY (Pondicherry): Madam Deputy Chairman, in the name of supporting the Bill, Shri Pramod Mahajan is opposing the Bill. He is giving a new theory about the principles behind the Bill. Madam, it is a known fact that the Lord Buddha is considered as Hindu avtar. (*Interruptions*)—History will say.

As far as the Bill is concerned, I support the amendment that I have my strong reservations the way in which had been announced by the Prime Minister. Before the Assembly elections were held he went to Bombay. There he announced that he is accepting that the Neo-Buddhists will also be given...

SHRI V. GOPALSAMY: Your leader went and announced in every State crores and crores of rupees before the elections to Lok Sabha were held.

SHRI V. NARAYANASAMY: The National Front Givernment... (*Interruptions.*)

THE DEPUTY CHAIRMAN: I would request the Members not to interfere. Please do not interrupt. Your party would have the time to say on the Bill. Allow him to speak.

SHRI V. NARAYANASAMY: The National Front Government was fully aware that there is going to be Assembly election. So the Prime Minister goes and announces in a public meeting that the New-Budhists will also be getting the benefits of Scheduled Castes. In principle I agree with the amendment but I oppose the way in which it was announced by the Prime Minister to woo the Neo-Buddhists for the purpose of getting their votes. I hope the present Government will not repeat the same thing in future.

The second point is that there is a heavy demand from some sections, especially the convert Christians, that they should also be given the benefits as the Neo-Buddhists are being given by the Government. I would submit that in the Statement of Objects and Reasons it has been stated that there is a long pending demand by the Neo-Buddhists. They should also get the facilities available to
7.00 P.M. the Scheduled Castes. The same demand is there from the people of Christian Community who are converts. It is a sorry state of affairs. There are two brothers in a family. One brother is belonging to the Scheduled Caste community and the other brother converts to Christianity.

THE DEPUTY CHAIRMAN: That story was told by Mr. Jogi. You tell another one.

SHRI V. NARAYANASAMY: Madam, I am coming to that. I am telling you about the sentiments of the people. The sentiments do not vary from one State to another. I am talking about my experience in our State because in our State we have the legacy of the French rule where people converted to Christianity. Therefore, I would like to submit that we have been getting representations from the people belonging to the Christian community. In this respect, I would like to say that in some States, the State Governments are extending the benefits to such Christians who have been converted from the Scheduled Caste community. But they are not getting the benefits that have been given by the Central Government. Therefore, on behalf of the people of my State and also the Christian community living in various other States, I would like to urge upon this Government that when they are extending these benefits to the neo-Buddhists, why not extend them to persons who have been converted from the Scheduled Castes to Christianity. As the Minister has stated, he could have a dialogue and the Government could arrive at a consensus. Those

benefits should be extended to them also because a lot of Christian institutions and people are large have been claiming that these benefits should be extended to them.

With these words, I support the Bill.

THE DEPUTY CHAIRMAN: Shri Gopalsamy.

SHRI V. GOPALSAMY: Madam, Deputy Chairman...

THE DEPUTY CHAIRMAN: Now please take only two minutes.

SHRI V. GOPALSAMY: Madam, kindly give me ten minutes.

THE DEPUTY CHAIRMAN: Your party's time is eight minutes.

SHRI V. GOPALSAMY: You give me two minutes more. While supporting this Bill, I would like to congratulate this Government. Madam, I have been demanding on the floor of this House that the portrait of Dr. Babasaheb Ambedkar should be unveiled in the Central Hall of Parliament where the Constituent Assembly met since December, 1946 till 24th of January, 1950, where deliberations were made, where Dr. Ambedkar exercised his brain to give solutions for ever so many problems, where the Hon President of India addresses Members of Parliament, where the meetings of the political parties take place, and also where the walls are decorated with the portraits of the Father of the Nation, Mahatma Gandhi, the Jewel of India, Pandit Jawaharlal Nehru, the Lion of Bengal, Subhash Chander Bose and other eminent leaders of this country. I have been making this demand repeatedly on the floor of this House that the portrait of the champion of social justice, Periyar, and the portrait of Dr. Ambedkar should be unveiled. Therefore, I would like to congratulate the hon. Prime Minister, Mr. V| P. Singh, for unveiling his portrait. Who else could have taken this credit? And of course, I think, Mr Naryanasamy and others will not say that it was also for election purposes because the elections are over....You could have done this. All these years you never cared about having the potrait of Dr. Ambedkar in the same very hall where he gave valuable speeches...

SHRI M. M. JACOB: Mr. Gopalsamy, Dr. Ambedkar's statue is always standing outside.

[The Vice-Chairman (Prof. Chandresh P. Thakur) in the Chair].

SHRI V . GOPALSAMY: But not inside the Parliament in the Central Hall where the portraits of all the top leaders of this country had been unveiled. You missed it. They have done it. So I congratulate them Madam,..... Sorry, Sir.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Put on your glasses.

SHRI V. GOPALSAMY: Mr. Vice-Chairman,....

DR. G. VIJAYA MOHAN REDDY (Andhra Pradesh): With Professor there, you can take more time as he is very considerate with students.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Now you are wearing the glasses.

SHRI V. GOPALSAMY: Sir, I was listening to the speeches made by the Members belonging to various political parties. One thing I want to put on record very clearly, make it crystal clear that the discrimination still exists against those people. Whether they are Christians or Muslims or Buddhists or Sikhs, a Harijan is a Harijan. Whether one is a Christian Harijan or a Hindu Harijan, there is no difference. The same stigma is there. The same social boycott to which they are subjected, is there. I am coming from a village. In my village a Hindu Harijan could get benefits from the Government. We are giving free houses and free sites to construct their houses. The Hindu

[Shri V. Gopalsamy]

Harijan gets free land and free house. But his neighbour who is no different from him in every respect, does not get the benefit. This is the condition. Therefore, there is a demand from the Scheduled Caste Christians that the same facility and concessions which the Scheduled Caste Hindus get, should be given to them also. We are a secular country. What does secularism mean? There should not be any discrimination between religious. But there is discrimination.

Sir, it is a painful paradox that the Scheduled Tribes, irrespective of their belonging to different religions, having different religious beliefs and practices, are given equal status and benefits. One may be a Christian, one may be a Hindu, one may be a Buddhist, but if one belongs to any of the Scheduled Tribes, one gets all the benefits. Sir, it is not only that it is a paradox, but it is hypocrisy. The people belonging to the Scheduled Tribes are getting the benefits despite the fact that they are Christians. Why should the Christians who are Scheduled Caste Christians, be denied these privileges and benefits? This is the question before us. We have to decide it. It is high time we decided it.

We speak about protection of minorities. Our hon. friend, Mr. Pramod Mahajan, was telling that people could not try to have benefits both as minorities as well as the Scheduled Castes. Minorities do not enjoy any reservation facility in this country. On the other hand, for centuries these people have been suppressed, oppressed and harassed in so many respects in the name of religion. The same stigma still continues. Therefore, these people who belong to Christianity seek protection and equality before law. It is high time they are given to them. This is not for any party politics. Particularly in the southern States, 40 to 50 per cent people in most villages are converted Christians. They have the same living standards, and in the society they do not command any more respect than their Hindu breathren. This is the situation there. But he is denied benefits which the Scheduled Castes people as Hindus are enjoying. When they are enjoying these benefits, these Christians do not get this privilege, Therefore, now they are demanding justice. They are not begging for any privilege It is a question of justice. When some people are denied benefits in the name of religion, then we have no right to speak about secularism. Then the word secularism should be deleted from the Constitution.

Secularism means equality irrespective of religion. He may be a Hindu, he may be a Christian, he may be a Buddhist, he may be a Parsee or he may be somebody who does not believe in God. That is secularism. Unless you recognise and agree with this principle, that we live in a society which treats equally all the diverse religious groups, the feeling of oneness will never materialise in this country. Therefore, I would like to urge upon this Government to evolve a consensus. The Scheduled Caste Christians particularly in my State, in the Southern districts, live in a very deplorable condition.

SHRI P. SHIV SHANKER: Why do you discriminate and talk only about your State.

SHRI V. GOPALSAMY: No, I want to say this is an example of the conditions throughout the country. It would be pertinent on my part to quote the Father of the Nation in an article in Harijan dated 26th December, 1936. I quote:

"Whether the Harijan is nominally a Christian, Muslim or Hindu, and now Sikh, he is still a Harijan. He cannot change his past inherited from Hinduism so- called. He may

change his God and Call himself a Catholic Harijan or a Muslim Harijan or a neo-Muslim or a neo-Sikh, but his untouchability will haunt him during his life-time."

This holds good even today. Therefore, I would urge upon the Government to extend those facilities to Scheduled Caste Muslims also. The Mandal Commission's Report and so many other reports elaborately dealt with it. Since the time at my disposal is very short, I do not want to elaborate it further. But, Sir, this is the time to extend the facilities to others also. We all support this. I do not want to link this because tomorrow is Buddha Purnima and this Bill should be passed. We are also celebrating Dr. Ambedkar's centenary. So, once this Bill is passed, do not think the cries of the Christians you will hear no more thinking that it is all over and you have solved the problem. This sort of attitude should not come in the minds of the people ruling here. That is why I emphatically urge upon this Government to consult the leaders of varous political parties and come to a decision and bring forward a Bill very soon to extend the facilities to all the Scheduled Caste Christians. If you pass the Bill to extend the facilities to all those people who are embracing all faith, then only this country will be called really a secular country. With these words I conclude.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I would like to draw the attention of the Minister to another kind of inequality in this House. That is the lung power inequality. Mr. Gopalsamy is a practitioner of inequality in lung power. I hope there will be some Governmental solution to that.

SHRI V. GOPALSAMY: Sir, is it a tribute or an insult?

SHRI G. SWAMY NAIK (Andhra Pradesh): Mr. Vice-Chairman, Sir, I support the Constitution (Scheduled Castes) Orders (Amendment) Bill 1990 with regard to extending the reservation benefits to Scheduled Caste converts to neo-Buddhists.

I welcome wholeheartedly the decision of the Government in respect of the reservation for neo-Buddhists with a sense of fulfilment of this responsibility towards the socially and economically down-trodden sections of the society. The neo-converts were patronised by Dr. Babasaheb Ambedkar, who was the architect of India's Constitution to ensure that their national integration feeling was not hurt. The social upliftment of Babasaheb Ambedkar was commendable and I strongly urge the Government to follow the path shown by him specially for weaker sections, Scheduled Castes and Scheduled Tribes.

Babasaheb was fully convinced that untouchables would never receive just treatment in Hindu dharma and Hindu society. He renounced Hinduism because he was attracted towards Buddhism due to its moral basis of equality, justice and wide basis of humanitarianism. Buddhism teachers 'Prajna', 'Karuna' and 'Samanta'. He visualised that religious conversion was essential to rouse the rational consciousness of man against religious hypocrisy and dishonesty. It was a revolt against the suppression and enslavement of humanity.

Babasaheb reminded his followers of his vow taken in 1935, I quote "Even though I am born a Hindu, I will not die a Hindu". He had the satisfaction of having accomplished a great deal in establishing the revival of Buddhism in India. He said that to spread Buddhism was to serve mankind. In Maharashtra State "Neo-Buddhists" are already treated on par with the other Scheduled Castes. Why not other religious converts like Christians and Muslims also not be extended such benefits on social and economic conditions? The Government should also think of ways to uplift those non-Scheduled Castes and

[Shri G. Swamy Naik]

non-Scheduled Tribes of the Hindu society who are economically socially and culturally backward.

Sir, after the passing of the Scheduled Castes and Scheduled Tribes Order in 1950, several amendments have been made in it. There was a community of Scheduled Castes in one State which was considered to be Scheduled Tribes in another State. The Scheduled Castes and Scheduled Tribes Amendment Act No. 108 was enacted in 1976 in order to remove the 'area restriction'. Later on, such amendments were passed in respect of Mizoram, Arunachal Pradesh, Goa; Daman and Diu. I would request the hon. Minister kindly to introduce, as early as possible, a comprehensive revision of Scheduled Castes and Scheduled Tribes list.

To give another instance, there is a community called Banjaras. They are tribals of India. In Maharashtra State, Madhya Pradesh, Uttar Pradesh, Tamil Nadu and Kerala, they are placed in the backward class list whereas in Andhra Pradesh, Orissa and Bihar, they are in the Scheduled Tribes list but in Delhi, Karnataka and Himachal Pradesh the Banjara community is treated as Scheduled Castes. I would urge upon the Government that this community should be treated as Scheduled Tribes throughout the country and I shall be grateful if this is accepted at the earliest.

Sir, I would like to say that there was a suggestion from the Punjab and Haryana High Court that the Government of India should transfer Vimukti Jatis from the list of Scheduled Castes to the list of Scheduled Tribes. It was a good suggestion. The people belonging to Vimukti Jati have filed a writ petition in the Punjab and Haryana High Court in this regard vide suit No. 132 of 1975 at Chandigarh. I therefore support that Vimukati jati should be treated as the Scheduled Tribes. Sir, finally, I request that the Government should introduce a comprehensive Bill for amending the list of Scheduled Castes and Scheduled Tribes during the current Session of Parliament so that no discrimation is perpetrated on the community and its people who constitute a population of more than 5 crores. With these words, Sir, I conclude and I thank you for giving this opportunity to me and I support the Bill.

SHRI SHABBIR AHMAD SALARIA: Mr. Vice-Chairman, Sir, the Bill which seeks to confer the status of Scheduled Castes and the benefits available to the Scheduled Castes, to the Buddhists who are converts is a welcome measure and we support this Bill. But the submission is that the Bill is accompanied by a statement by the Minister and the statement makes it very clear and that clinches the issue. It says: "Neo-Buddhists are a religious group which has come into existence in 1956 as a result of a wave of conversions of the Scheduled Castes. Upon conversion to Buddhism, they became ineligible for statutory concessions like reservation in services and of seats in Parliament and State Assemblies and non-statutory concessions like educational scholarships Various demands have been made, from time to time, for extending all the concessions and facilities available to the Scheduled Castes to them also on the ground that change of religion has not altered their social and economic conditions. As a matter of fact, non-statutory concessions of the Central Government available to the Scheduled Castes have been extended to Neo-Buddhists. As they objectively deserve to be treated as the Scheduled Castes for the purpose of various reservations." This is the statement of objects and reasons. And then it is said that notwithstanding the change of religion, the socio-economic conditions continue to be the same. If that premise is granted in case of Buddhism does not admit of casteism, that is true of Christianity that after conversion to Christianity, although in

theory, casteism will not exist. Similarly, when you convert yourself to Islam, then according to the theory of Islam, casteism ceases to exist but ground realities are different. When a man is a Muslim and he is a convert, as happened in Meenakshipuram —most of the Muslims here in India are converts—they have their own old traditions and their old castes with them. A Muslim of a higher caste will not marry his daughter to a Muslim of a lower caste. That taboo continues to exist. There are Muslims who are scavengers. They constitute a class by themselves in the Muslim society. This is a hard fact of life. Similarly, there are Muslims who do menial work in Kashmir. Those people are called Churas in Punjab and they are not treated and the social stigma continues. Their economic conditions continue to be the same. Therefore, once the premise which the learned Minister has laid down is conceded in the case of Buddhists, is conceded in the case of Sikhs, it has to be conceded in the case of Christians, it has to be conceded in the case of Muslims.

Sikhism also was a wave of reform and it meant that all persons, irrespective of their profession, should be treated as equal. But in actual practice, those Sikh gentlemen, who belonged to the lower strata of society continue to remain in that very strata. It might have been an effort on their part to come to a new religion so as to seek equality but equality never came and what they wanted never took place and the disadvantages with which they were confronted continue to confront them.

Then the second thing which has to be taken into consideration is the Constitution of India has come into being since long and the Constitution clearly provides that there shall be no discrimination amongst the citizens of India on the ground of religion alone. If therefore the religion of Islam or the religion of Christianity becomes a ground for denying to a section of society, though it be backward, though it be discriminated against, though it may be carrying social stigma with it a ground for refusing them an equal treatment as given to others, who belong to the Hindu religion or to the Buddhist religion or Buddhist religion because they are Muslims would be against the provisions of the Constitution and when any Bill passed by this august House goes to a court of law, it will not stand the test of the Constitution. Therefore, we have submitted an amendment to it which follows as a natural consequence of what has been said by the hon. Minister, that is the statement of the Government and there is no escape from the conclusion that the Christians and the Muslims should also be recognised as Scheduled Castes entitled to those benefits. Wherever they belong to such profession, when the Hindus carry it with them, they are called Scheduled Castes. If that is the condition, then I submit, in the name of equality; in view of the provisions of the Constitution, they should be declared to be Scheduled Castes entitled to those benefits, by an order which the President issues in accordance with Article 341. Moreover, a controversy has arisen, a sort of legal battle which the House has tried to share. But I will make it clear that the term 'Scheduled Caste' is not defined in the Constitution. The term 'Scheduled Caste,' advisedly, is not defined in the Constitution. Efforts have been made to link this term with a particular religion. But those efforts cannot change what the Constitution says. The Scheduled Castes have to be determined with reference to the ground realities which exist in India. They are not to be found as defined in the Constitution. The President has to declare, under Article 341, "I declare Mr. so and so to be such and such category of person, to be a Scheduled Caste". Under the circumstances, there would be no difficulty in declaring a person belonging to the Buddhist religion as is being said now, or belonging to the Christian religion or belonging to the Muslim religion as a person who belongs to a Scheduled Caste because the de-

[Shri Shabbir Ahmad Salaria]

claration confers upon him those benefits which accrue to him. Now, it may be said, "Why did these people change their religion? Why did they change their religion? If they were Hindus, why did they become Christians or Buddhists?" I tell them, change of religion takes place because of the question of faith. It may be because somebody likes a particular religion, it may be because there was an urge for equalty; or it may be because there was a backlash of the injustice being done to them for centuries in the particular society or the community in which they were existing. But whatever they did should not cloud our vision when we are to decide whether they are continuing with the taboo, the stigma, the social injustice, the social backwardness; the economic backwardness, with which they were confronted before their conversion. Therefore, I have placed before this hon. House an amendment to this and I have said that wherever the words 'who is not a Hindu, or a Sikh', the further words 'or a Christian or a Muslim' should also be there. This, I submit, is a natural consequence, inescapable corollary, which follows from what the Minister has said.

With these words, I would say I support this Bill and I say that it should be passed. It is a very happy thing that after all, the National Front Government has done what had to be done long long ago. What I submit further is, in order to do justice, the hon. Minister who is well known for his efforts to bring about amelioration to the people, for his efforts to bring about a reform in the society, should kindly consider the case of Christians and Muslims who, basically, are Scheduled Castes, but are converts to Islam or to Christianity. They should also be given these benefits. The fact that they profess a particular religion should not be a taboo, should not be a stumbling block in their way. With these submissions, I thank you and I support the Bill.

SHRI THOMAS KUTHIRAVATTOM (KERALA): Mr. Vice-Chairman, I am glad that the Government has come forward with a Bill to extend a statutory benefit of the Scheduled Castes to the Neo-Buddhists. But I, along with a few Members, have given an amendment to the Bill for extending these benefits to the Scheduled Caste converts to Christianity and Muslims also. Sir, the Scheduled Caste converts to Christianity who constitute only a microscopic minority spread all over India are living amidst the majority society and its traditions. They are taken by society at large as members of the same social class. They are in abject poverty and are ill-treated like others even within the Churches. As such, Christian converts from Scheduled Castes are also in need of the benefits available to their Hindu or Sikh brethren. Since they are of the same stock and descent, the change of religion does not change the social, educational, economic and cultural conditions of the converts.

In view of the foregoing, I earnestly appeal to this august House to take note of this situation and amend the Bill to extend these benefits to Christian converts and Muslims also.

Thank you.

कुमारी चन्द्रिका प्रेमजी केनिया: महोदय संविधान अनुसूचित जाति आदेश (संशोधन), विधेयक, 1990 को अपना अनुमोदन और समर्थन देने के लिए और शिव सेना का अनुमोदन और समर्थन देने के लिए मैं यहां पर खड़ी हुई हूं । सर्वप्रथम मैं कल्याण मंत्री श्री राम विलास पासवान जी को धन्यवाद देना चाहूंगी बधाई देना चाहूंगी कि डा० बाबा साहेब अम्बेडकर की जन्म शताब्दी के अवसर पर न सिर्फ नेशनल फ्रंट गवर्नमेंट ने उनकी तस्वीर सेन्ट्रल हाल में लगाई, बल्कि भारत रत्न के खिताब से बाबा साहेब को सम्मानित करके आपने एक बहुत अच्छा ठोस कदम उठाया है । इस विधेयक के माध्यम से मैं आपको सर्वप्रथम बधाई देना चाहूंगी ।

बाबा साहेब अम्बेडकर जी भारत के महान सूत थे । वह भारतीय संविधान के कर्णधार थे । उन्होंने महिलाओं के उत्थान के लिए, महिलाओं के शिक्षण के लिए बहुत जबर्दस्त आंदोलन उठाया, काम किया और सबसे बड़ी बात जो मुझ को नजर आती है बाबा साहेब अम्बेडकर जी के बारे में वह यह है कि उन्होंने अपना जीवन संघर्षमय बिताया अपना जीवन जो अनुसूचित जाति के लोग हैं उनके भाई हैं बहनें है, उनके ऊपर जो अत्याचार और अन्याय हो रहा है, जो पिछड़े रह चुके हैं उनको आगे बढ़ाने में समर्पित कर दिया ।

ऑब्जेक्ट्स और रीजन्स की तरफ सदन का ध्यान खींचना चाहूंगी क्योंकि कुछ सवालात उठाये गये, और विवाद भी यहां उठाये गये कि आर्टिकल 341 में यह संशोधन ठीक रहता है या नहीं । यह ऑब्जेक्टस एंड रीजन ही स्पष्ट है और बड़ा स्वच्छ है । जो नव बौद्ध हैं बाबा साहेब अम्बेडकर ने जो आंदोलन जगाया था उसमें उन्होंने अनुसूचित जातियों ने जो धर्म परिवर्तन किया और नव बौद्ध बनाया उनको जो रियायतें प्राप्त थीं, कानूनी रियायतें प्राप्त थीं, सुविधाएं प्राप्त थीं उनसे वह महरूम हो गये, वह अप्राप्य हो गये क्योंकि अप्राप्य हो गये, उनको ये कानूनी रियायतें फिर से देने के लिए सरकार ने जो कदम उठाया है इसके बारे में ऑब्जेक्ट एंड रीजन में बहुत ही स्पष्ट तौर से बताया गया है । जहन में बात आती है कि कितनी सदियों से इस पिछड़ी हुई जातियों के लिए हम कुछ भी करते हैं, तो जो बात आती है और जो पंक्तियां दिल और दिमाग में छा जाती हैं वह इस प्रकार से हैं :

कितने युगों से प्यासे हो गये यारो सोचो तो,
शबनम का हर एक कतरा हम को दरिया लगता है।

इसके माने भी मैं बताना चाहूंगी कि एक छोटा सा काम भी कर लेते हैं तो कितना बड़ा काम लगता हैं । अगर हम अनुसूचित जाति और जनजाति के लिए कुछ काम करते हैं तो हमें; बड़ा काम लगता है । महात्मा गांधी जी ने हरिजनों का साथ दिया, पिछड़े वर्गों का साथ दिया। महात्मा गांधी जी ने कहा था : गरीबों से भी गरीब हैं जो लोग उनके आंख के आंसू पोंछना चाहूंगा । जब तक मैं आंसू पोंछ नहीं लेता हूं तब तक मैं चैन की सांस नहीं लूंगा ।' यह बात गांधी जी ने कही थी ।

स्वामी विवेकानन्द जी ने भी कुछ इसी प्रकार से कहा था। उन्होंने कहा था :

"Living God"

जो इंसान हैं जीते-जागते भगवान के रूप में हमारे सामने आते है। उनकी सेवा करें तो वाकई में भगवान की सेवा होती है । जिससे क्राइस्ट ने भी कुछ इन्हीं शब्दों का इस्तेमाल किया था । लेकिन हकीकत क्या है उसकी तरफ मैं मंत्री महोदय का ध्यान खींचना चाहूंगी । आधुनिक जमाने में जी रहे हैं, बीसवीं सदी में जो रहे हैं, संविधान में हम बताते हैं कि समानता दे रहे हैं, न्याय की बात करते हैं और शोषण दूर करने की बात करते हैं ..... । लेकिन फिर भी अभी तक अत्याचार, दमन, अन्याय और असमानता बढ़ते ही जा रहे हैं । खासतौर पर हरिजन महिलाओं पर अत्याचार और बलात्कार होता रहता है, उनकी जमीनें लूटी जाती हैं, उनका दमन किया जाता है । आपने इस संबंध में कदम उठाये हैं, स्पेशल कोर्ट और ट्राइब्यूनल बनाये जा रहे हैं । लेकिन इतना ही काफी नहीं है । वास्तविकता से देखने से पता चलता है कि पुलिस के लोग जमींदारों से मिले होते हैं, शोषण करने वालों से मिले होते हैं, साहूकारों के साथ मिले होते हैं । वे केस रजिस्टर नहीं करते हैं, कांप्लेन्ट दर्ज नहीं करते हैं। इन बातों की तरफ भी ध्यान देने की जरूरत है । आज आवश्यकता इस बात की है कि सामाजिक परिवर्तन और आर्थिक परिवर्तन के लिए ऐसे कदम उठाये जायें ताकि अन्याय समाप्त हो सके और एन. आर. ई. पी आदि जो योजनाएं हैं और जो लोग गरीबी की रेखा से नीचे रहते हैं उनको

[कुमारी चन्द्रिका प्रेमजी केनिया]

ऊपर उठाने के कदम उठाये जाने चाहिए। मैं समझती हूं कि नेशनल फ्रन्ट की सरकार ने जो वायदे किये हैं, चुनावों में अपने मेनुफ़ेस्टों में जो वायदे किये हैं उनके लिए वह जरूर कदम उठाएगी। जब हम सामाजिक परिवर्तन और आर्थिक परिवर्तन की बात करते हैं तो हमें उनमें स्वाभिमान पैदा करना चाहिए, जागृति पैदा करनी चाहिए ताकि वे इंसान के तौर पर जीना सीख सकें और अपने पांवों पर खड़े हो सकें और कह सकें कि--

'खुदी को कर बुलन्द इतना कि,
हर तकदीर से पहले खुदा बंदे से खुद पूछे,
बता तेरी रज़ा क्या है ?'

आखिर में मैं यह कहना चाहती हूं कि सर्टिफ़िकेट का भी झमेला रहता है। बोगस सर्टिफ़िकेट जारी किये जाते हैं और जो लोग सर्टिफ़िकेट के हकदार होते हैं उनको सर्टिफ़िकेट नहीं मिलता है। ये सिक्के के दो पहलू हैं। जिनको सर्टिफ़िकेट की असली जरूरत होती है उनको सर्टिफ़िकेट मिलना चाहिए। आपने शांति से मेरी बात सुनी और मुझे बोलने का मौका दिया, इसके लिए मैं शुक्रगुजार हूं शिवसेना इस संशोधन का समर्थन करती है, धन्यवाद।

श्री राज मोहन गांधी (उत्तर प्रदेश): माननीय उपसभाध्यक्ष जी, मैं केवल तीन बातें कहना चाहूंगा और वे भी बहुत संक्षेप में कहूंगा। पहली बात तो यह है कि मेरा भी गौरव है कि आज इस समय मैं अपनी आवाज इस नये कानून के साथ जोड़ रहा हूं। यह मेरे लिए सौभाग्य और गर्व की बात है। दूसरी बात मैं यह कहना चाहता हूं कि मेरा निजी मत है कि यह जो आज हम फ़ैसला कर रहे हैं कि नव बौद्धों को भी लाभ मिले वह किसी भी धर्म के जो अनुसूचित जाति के हमारे भाई बहिन हैं उन सबको मिलना चाहिए। चाहे वे ईसाई धर्म के हों, चाहे वे इस्लाम धर्म के हों या यहूदी धर्म के हों, सिख या कोई भी हों। मैं तो यह भी कहना चाहता हूं कि अनुसूचित जाति के हमारे भाई बहिन अगर वे अफ्रीका के किसी नये धर्म को भी अपनाना चाहते हैं तो उनको इसकी आजादी होनी चाहिए। मैं आजादी में विश्वास करता हूं। इसलिए मेरा यह निजी मत है कि जल्दी से जल्दी यह सुविधा सभी को मिलनी चाहिए।

आखिरी बात मैं यह कहना चाहता हूं कि जैसे श्री गोपालासामी जी ने भी कही कि अगर हम आज अपनी पीठ थपथपाते हैं और सोचते हैं कि हमने बहुत बड़ा काम कर दिया है तो यह गलत होगा। शायद दुनिया में कोई भी समाज ऐसा नहीं है जिसमें ऊंच-नीच इतना गहराई में हो जितना भारत के समाज में है। यह ऊंच-नीच की बात हमारे सामाजिक रिश्तों में है, आदमी-आदमी के बीच में है और राजनीति में भी है। अगर मैं अंग्रेजी में कहूं तो कह सकता हूं कि--

We treat some men as goods and some others as dogs. This is the reality in so many aspects of Indian life.

इसलिए आज इस बिल को पास करते हुए हमें दुबारा इस देश की कमजोरी के बारे में सोचना है और हमारे देश में जो असमानता है उसके बारे में शर्म महसूस करनी है और इस संकल्प के साथ हमें निकलना है कि हम अपने समाज में समानता, समता और प्यार और आदर का भाव लाएंगे। इन शब्दों के साथ मैं इस बिल का पूरे हृदय से समर्थन करता हूं।

श्री संघ प्रिय गौतम: उपसभाध्यक्ष महोदय, बुद्ध पूर्णिमा का संध्या पर बौद्धों को सम्मानित कर इस सरकार ने यह साहसी और प्रशंसनीय कदम उठाया है। इसके लिये मैं सरकार का आभारी हूं। बौद्धों की स्थिति बड़ी दयनीय है। उनकी स्थिति कितनी दयनीय है इसका अंदाजा आप स्वयं मेरी स्थिति से लगा सकते हैं। मैं उस साइड का पक्षधर हूं लेकिन मेरी सीट इस साइड निश्चित की गई है। मैं ऐसी पार्टी का सदस्य हूं जो न सत्ता का स्वाद भोग रही है और न विपक्ष का

सुख । यहां पर शेरो-शायरी की बात आई इसलिये मैं इस संदर्भ में एक शेर कहना चाहता हूं :

चुप खड़े हैं दरमियाने काबाओ बुतखाना हम,
किसको कह दें, कैसे कह दें, क्यों कह दें, अफ़साना हम ।

उपसभाध्यक्ष महोदय, आर्थिक, सामाजिक, शैक्षणिक और राजनैतिक दृष्टि से बौद्धों की परिस्थितियां आज वही हैं जो अनुसूचित जाति के अन्य लोगों की हैं अथवा धर्मान्तरण के पहले जब वे अनुसूचित जाति के सदस्य थे, उस समय उनकी परिस्थितियां थीं । इस विषय में विस्तार से माननीय सदस्यों ने अपने विचार व्यक्त किये हैं । मैं सदन का समय नष्ट नहीं करना चाहूंगा । लेकिन मैं अपनी कुछ शंकायें और अपना भय सदन के सामने प्रस्तुत करना चाहूंगा । अगर मैंने ऐसा नहीं किया तो मैं बौद्धों और इस सदन के साथ न्याय नहीं कर पाऊंगा ।

मेरे पास आथंटीकली पेपर्स नहीं है इसलिये मैं कोट तो नहीं कर सकता लेकिन मैं इस संदर्भ में बाबा साहब डा० अम्बेडकर का उदाहरण देना चाहता हूं । बाबा साहेब अम्बेडकर ने 1935 में यह घोषणा की थी कि मैं हिन्दू पैदा हुआ पर मैं हिन्दू मरूंगा नहीं । यह घोषणा उन्होंने भावावेश में नहीं की थी या किसी धर्मावलम्बी से बदला लेने की नीयत से नहीं की थी अथवा किसी दुर्भावना से प्रेरित होकर नहीं की थी । अगर वे ऐसा करते तो तुरन्त धर्मान्तरण कर लेते । 21 वर्ष तक निरंतर उन्होंने इसका अध्ययन किया और इतने वर्षों के अन्तराल के बाद उन्होंने धर्मान्तरण किया । जब उन्होंने धर्मान्तरण किया तो धर्मान्तरण करते समय दीक्षा भूमि नागपुर में अपने अनुयायियों के सामने इस शीर्षक से उन्होंने अपनी बात को प्रारम्भ किया कि "हम बौद्ध क्यों बने "। उपसभाध्यक्ष महोदय, हमारी सरकार की मंशा यहां इन धर्मान्तरित बौद्धों को केवल वे सुविधायें प्रदान करने की ही नहीं है बल्कि उनको सम्मानित करने और उनके माध्यम से बाबा साहेब डा० अम्बेडकर को सम्मानित करने की भी मंशा सरकार की रही होगी, ऐसा मैं अनुमान लगाता हूं । बौद्धों को ये सुविधायें देने की मांग बहुत दिनों से चली आ रही है । जिस समय बाबा साहेब डा० अम्बेडकर के जन्म दिवस को राष्ट्रीय अवकाश घोषित किया गया, जब उनके तैल चित्र को संसद के केंद्रीय कक्ष में लगाया गया और जब उनको भारत रत्न के खिताब से विभूषित किया गया तो ऐसे समय पर बौद्धों को सुविधायें देने की घोषणा करना यह केवल उनको सुविधायें देना ही नहीं बल्कि बाबा साहेब अम्बेडकर को सम्मानित करना भी है और जब बाबा साहेब को सम्मानित करना है तो निस्संदेह उनकी भावनाओं को सम्मानित करना है । धर्मान्तरण के पीछे उनकी भावना क्या थी, सदन को इस बात को नहीं भूलना चाहिये । इसलिये इसमें जो क्रिश्चियन और मुस्लिम की बात कही गई है, इस तरह की कोई बात इस बिल के संशोधन में लाने का प्रश्न ही नहीं उठता । मैं इस संदर्भ में आपको यह बताना चाहता हूं कि 25 नवम्बर, 1949 को जब संविधान सभा के समक्ष उन्होंने संविधान प्रस्तुत किया तो माननीय सदस्यों ने कहा कि इस संविधान के संबंध में हम आपके विचार चाहेंगे । .... (व्यवधान) .... मैं नया सदस्य हूं । हो सकता है कि मेरे से कुछ गलती हो जाय । मैं अपने अनुभवी सदस्यों से क्षमा प्रार्थी हूं । इसलिये मुझे सुना जाय । डा० बाबा साहेब अम्बेडकर ने यह कहा था । लोगों ने कहा कि यह संविधान अच्छा नहीं है । किसी ने कहा कि यह संविधान अच्छा है या बुरा है, तो डा० बाबा साहेब अम्बेडकर ने कहा था यह संविधान अच्छा है या बुरा है यह तो उसे चलाने वालों के पर निर्भर करता है कि वह लोग कैसे हैं । उस समय उन्होंने कहा था कि संविधान को मैं प्रस्तुत कर रहा हूं । यह बिल हम ला रहे हैं, सही कर रहे हैं लेकिन मैं अपनी शंका और भय प्रकट करना चाहता हूं । उन्होंने दो बातें कही थीं यह आजादी हमने एक बार खोई थी अब दोबारा पाई है कहीं ऐसा न हो कि इसको फिर से खोने का खतरा पैदा हो जाए । दूसरी बात उन्होंने यह कही कि लोकतन्त्र जो इस देश में लुप्त हो गया था कहीं दोबारा न लुप्त हो जाए । आज हम उन्हीं बातों को देख रहे हैं, बाबा साहब अम्बेडकर द्वारा कही गई बातें सामने आ

श्री संघ प्रिय गौतम

रही हैं । इसलिए इन बातों को मद्देनजर रख कर यह बिल लाया गया है, मैं इसका समर्थन करता हूं । लेकिन मेरा एप्रिहेंशन यह है कि यह अनुसूचित जाति कनवर्ट बुद्धिस्ट है इसलिए हम आरक्षण दे रहे हैं और उनकी जाति रहेगी, यह गलत है । मेरी शंका यह है कि यह जिन लोगों के भले के लिए लाया जा रहा है कहीं वो ही इसका विरोध न करने लगें । क्योंकि जातीयता का कोई स्थान बौद्ध मत धर्म के अन्दर नहीं है । इसलिए इन बातों को ध्यान में रख कर मैं विनम्र शब्दों में निवेदन करना चाहता हूं और इस बिल का समर्थन करता हूं । धन्यवाद ।

[उपसभापति महोदया पीठासीन हुईं]

श्री राम विलास पासवान : उपसभापति महोदया, मुझे खुशी है कि तमाम पक्ष के लोगों ने एक स्वर से इस विधेयक का समर्थन किया है और फिर एक बार इस देश में जो संसद की गरिमा है और आम लोगों की जो निष्ठा है संसद के प्रति इसको जाहिर करने का काम किया है । मैं आपके माध्यम से जहां तमाम माननीय सदस्यों को बहुत बहुत धन्यवाद देता हूं वहां मैं एक बात जरूर कहना चाहूंगा कि कहीं भी हमारी नीयत किसी भी चीज में कोई पोलिटिकल लाभ उठाने की नहीं है । खास कर के ऐसे मामलों में जो हमारे समाज के दबे, कुचले हुए लोगों से संबंधित हों, जो हमारे समाज के अल्पसंख्यक समुदायों से संबंधित हों, जो हमारे समाज के गरीब मजदूर लोगों से संबंधित हों, कम से कम ऐसे मामलों में कोई भी व्यक्ति, कोई भी पोलिटिकल पार्टी यदि राजनीतिक लाभ उठाने की कोशिश करती है तो वह देश के साथ तो धोखा करती ही है अपने साथ भी धोखा करती है । इसलिए मैं कहना चाहूंगा कि बहुत से लोगों ने कहा कि जब यह घोषणा की गई थी प्रधानमंत्री द्वारा 15 जनवरी को तब चुनाव चल रहा था । हम लोग दिसम्बर में चुन करके आए थे और दिसम्बर में चुन कर आए तो हम लोगों ने यह अनुसूचित जनजाति का जो रिजर्वेशन का बिल था उसको रखा था । मुझे को खुशी है कि वह बिल सारे सदस्यों की एक राय से पास हुआ । यह हमारा कमिटमेंट 15 जनवरी का नहीं था जिसकी घोषणा प्रधानमंत्री जी ने की थी वह हमारा कमिटमेंट राष्ट्रीय मोर्चे का जो चुनाव घोषणा-पत्र था उसमें घोषित किया गया था कि जो नव बुद्धिष्ट हैं उनको भी हम वही सुविधाएं देंगे जो अनुसूचित जाति जनजाति को देते हैं । इस कमिटमेंट को पूरा करने के लिए हमने यह कदम उठाया है और आज आप लोगों के बीच में हम आए हैं । इस बिल पर जिन माननीय सदस्यों ने भाग लिया उनमें भंडारे साहब ने बहुत अच्छे ढंग से शुरूआत की । अभी वह यहां नहीं हैं, कह कर गये थे कि उनको काम है और वह जा रहे हैं, हो सकता है आ भी जाएं । काफी अच्छे ढंग से उन्होंने रखा । कमला सिन्हा जी ने समर्थन किया; कम ही भाषण में लेकिन बहुत ही मारगर्भित भाषण में इसका समर्थन किया । मारग्रेट अल्वा जी ने बहुत सारे बुनियादी प्रश्न उठाये और उन्होंने कहा कि सिर्फ समस्या का निदान इतना ही नहीं है कि हम किसी जाति को अनुसूचित जाति की श्रेणी में जोड़ दें या जनजाति की श्रेणी में जोड़ दें । बल्कि जो समस्याएं हैं उन समस्याओं का निदान, होना चाहिए । . . . . **(व्यवधान)** मैं आपसे पूरे तरीके से सहमत हूं, सरकार आपकी भावनाओं से सहमत है ।

इस देश का दुर्भाग्य है कि नाम है जाति लेकिन यह कभी जाती नहीं है मरने के समय तक नहीं जाती है । नाम, के विपरीत उसका काम होता है . . . . **(व्यवधान)** सारी चीज आप बदल सकते हैं, आप धर्म बदल सकते हैं, अमीर गरीब हो सकता है, गरीब अमीर हो सकता है, सरकारें बदल सकती हैं लेकिन जाति व्यवस्था के तहत यदि कोई जाति बदलना चाहे तो चाहकर भी जाति नहीं बदल सकता है । इस रियलटी को हम लोगों को समझना चाहिए और सब समझते हैं । इसलिए आपने जो भावनाएं व्यक्त की हैं कि सारे उपाय किये जाएं तो मैं आपको इसका विश्वास दिलाता हूं ।

अभी एट्रोसिटीज के ऊपर बहस होने वाली है, बहस करेंगे, उसमें भी ये माम

आयेंगे । जहां हमने जो प्रीवेंशन आफ एट्रोसिटीज एक्ट है उसको नोटीफाई करने का काम किया है, मंडल कमीशन की सिफारिश को लागू करने के लिए कटिबद्ध है, जहां अनुसूचित जातियों और जनजातियों को संवैधानिक दर्जा देने का संबंध है उनको हम संवैधानिक दर्जा देने जा रहे हैं, वहां मैं आपको विश्वास दिलाता हूं कि चाहे महिलाओं का मामला हो हम नेशनल कमीशन आन वीमेन बनाने जा रहे हैं। हमारे प्रधानमंत्री जी का माइनारिटीज का 15 पवाइंट प्रोग्राम है हम कार्यक्रम को जितना बढ़ाई दे हो सकता है हम लागू कराने की कोशिश कर रहे हैं । आदिवासियों का जो जंगलात का मसला है हमने तय किया है कि जो भी प्रोजेक्ट बनेंगे उनमें पर्यावरण का मामला ध्यान में रखा जायेगा लेकिन इसका मतलब यह नहीं है कि जो आदिवासी है, जो मूल निवासी है उनके प्रति किसी तरह की ज्यादती हो और हमने नीति बनायी है कि जहां जहां वन संबंधी कानून बनेंगे जो आदिवासी हैं, उनके साथ विचार विमर्श करने के बाद ही उनको अंतिम रूप दिया जायेगा और इतना ही नहीं बल्कि पहले उनको हक बसाने की व्यवस्था करेंगे तब जाकर उनको उजाड़ने का काम करेंगे, नहीं तो आज जितने बड़े-बड़े प्रोजेक्ट बने हैं, सारे के सारे प्रोजेक्ट उठाकर देखिए, वे गरीब आदिवासी की जमीन पर बनते हैं लेकिन इस गरीब आदिवासी के रहने का घर तक नहीं बन पाता है, मुआवजा देने की बात तो कर रहे । उपसभापति महोदया ने कहा है कि समय की पाबंदी है तो मैं आपको इतना ही विश्वास दिलाना चाहता हूं कि जो भी हमने घोषणाएं की हैं - अपने मैनीफैस्टो में हमने कहा है और मैनीफैस्टो में हमने नहीं भी कहा है तो हम चाहते हैं कि कोई भी माननीय सदस्य निश्चित रूप से सुझाव दें कि सरकार ये ये काम करे । हम आपको विश्वास दिलाते हैं कि जो भी गरीब के हक में, दलित के हक में होगा, कमजोर के हक में होगा हम और सरकार उस कदम को उठाने में कभी नहीं हिचकेंगे । सिर पर पाखाना ढोने का मामला आपने उठाया । सिर पर पाखाना उठाना देश के लिए कलंक है, हम इस बात को मानते हैं और हमने यह तय किया है कि सिर पर पाखाना उठाने का जो सिस्टम है उसको हम खत्म करेंगे । हमारे पास अभी साढ़े तीन हजार शहर इस तरह के हैं जिनमें सिर पर पाखाना ढोने का काम होता है । अभी कुछ दिनों के अंदर हमने बहुत सारी जगहों पर शुरुआत की है, हमारा लक्ष्य है कि हम तीन साल के अंदर एक-एक हजार शहर चुने और उसके लिए चाहे जितना पैसा खर्च करना पड़ेगा हम पैसा खर्च करके सिर पर पाखाना ढोने का सिस्टम खत्म करेंगे । यह हमारी कटिबद्धता है ।

श्री अटल बिहारी वाजपेयी : साढ़े तीन हजार शहर बच गये हैं ऐसे ?

श्री राम विलास पासवान : ये तो आंकड़े हैं । 3200 इस देश में शहर हैं जहां सिर पर पाखाना ढोने का काम चल रहा है ... (व्यवधान) ठीक कहते हैं इसलिए मैंने कहा है . . (व्यवधान) इसमें सबके सहयोग की आवश्यकता है और इतना ही नहीं मैं आपसे आग्रह करना चाहता हूं कि हम जब तब ..(व्यवधान) ।

श्री सुरेन्द्रजीत सिंह अहलुवालिया (बिहार) : इंफारमेशन प्लीज । साढ़े तीन हजार शहरों की बात आपने की है ।

श्री राम विलास पासवान : जी हां.... (व्यवधान)

श्री सुरेन्द्रजीत सिंह अहलुवालिया : आपको पता है कि इस मुल्क में कितने शहर हैं ?

श्री रामविलास पासवान : अब हमको मालूम हो या.... (व्यवधान)

श्री सुरेन्द्रजीत सिंह अहलुवालिया : आपको पता नहीं है । आप हाउस को गुमराह मत करिये । आपको पता नहीं हैं कि इस मुल्क में शहर कितने हैं आपने इतनी गलत बात कही है।.... (व्यवधान)

[श्री सुरेन्द्रजीत सिंह अहलुवालिया]

He is giving wrong information to the House. He is giving wrong statistics to the House. जो गलत बात है, वह गलत बात है । शहर की परिभाषा जानने की कोशिश कीजिए ।

उपसभापति : अहलुवालिया जी, कृपया स्थान ग्रहण कीजिए । अगर आप समझते हैं कि मंत्री जी गलत इनफ़ार्मेशन दे रहे हैं, आप यह सवाल चेयरमैन साहब के सामने उठाइये । अभी न उठाइये । अब आप बैठ जाइये ।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : किसी मंत्री को गलत चीज कहने का अधिकार नहीं है । (**व्यवधान**) आप पहले जरा आंकड़े देख लें, उसके बाद बोलें । . . (**व्यवधान**)

SHRI J. S. RAJU (Tamil Nadu): This is political mileage.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : कोई भी बात जो गलत है, वह गलत है ।

श्री राम विलास पासवान : मैं भी अपोजीशन का सदस्य रहा हूं और मैंने भी बहुत-सा जोर-जोर से बोलने का काम किया है, लेकिन . . . (**व्यवधान**)

THE DEPUTY CHAIRMAN: Please do not interrupt him.

श्री राम विलास पासवान: मैं जब सरकार की तरफ से कह रहा हूं, माननीय सदस्य, अहलुवालिया जी को पूरी स्वतंत्रता है कि हमारे खिलाफ़ प्रिविलेज लायें । लेकिन फ़ैक्ट्स, फ़ैक्ट्स हैं, वह इंटरफ़ियर क्यों कर रहे हैं ?

श्री सुरेन्द्रजीत सिंह अहलुवालिया : पहले आप बताइये कि 3500 शहर किस मुल्क के हैं ?

THE DEPUTY CHAIRMAN: If he made a mistake, if he is deceiving the House, go for privilege, and then he will face it. But do not interrupt him. It does not concern this Bill.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : यह पोलिटिकल भाषण कर रहे हैं । . . . (**व्यवधान**)

श्री राम विलास पासवान : इसमें क्या पोलिटिकल भाषण है, I do not know what is political. (*Interruptions*)

उपसभापति : मैं समझती हूं कि रात के आठ बज रहे हैं, आपकी एनर्जी तो थोड़ी कम होनी चाहिए । हां, आप बोलिये ।

श्री राम विलास पासवान : मैंने आपको बताया कि अभी तक 490 नगरों में यह योजना चालू की गई है, 3200 नगरों में और करनी है । तीन साल के अंदर हमने योजना बनाई है । योजना आयोग से विचार-विमर्श करके एक-एक साल में एक-एक हजार छोटे से बड़े शहर को चुनेंगे और तीन साल के अंदर हमारी योजना है कि सिर पर पाखाना ढोने के सिस्टम को हम खत्म करेंगे । जो फ्लश लैट्रीन है, उसको हम लगायेंगे और जो सफ़ाई मजदूर पाखाना ढोने के काम में लगे हुए हैं उनके लिए हम दूसरे काम की व्यवस्था करेंगे, जिससे कि वह दुबारा उस काम पर लौट कर न जायें ।

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : आप तीन साल में करेंगे वह चालीस साल में नहीं कर सके । इसी बात का उन्हें एतराज है । . . . (**व्यवधान**)

डा० रत्नाकर पाण्डे (उत्तर प्रदेश) : आप यह काम वर्मा जी को दीजिए । चालीस साल में हम जो काम नहीं कर पाये वर्मा जी वह काम तीन साल में कर देंगे । उन्हीं को दीजिए ।

श्री वीरेन्द्र वर्मा : धैर्य रखो सब हो जाएगा ।

THE DEPUTY CHAIRMAN: He is replying. Let him reply.

श्री राम विलास पासवान : अब आपने हम पर टाईम की पाबंदी लगाई है । . . . (**व्यवधान**)

उपसभापति : नहीं, मैंने आपको बताया कि आप बोलिए । जवाब दे दीजिए ।

श्री रामविलास पासवान : अब आपकी दिक्कत यह है कि आपके पांव के तले जमीन खिसक रही है, जिनको आपने बंधुआ मजदूर बना कर रखा था । तो आपको दुख होना तो स्वाभाविक है ।

श्री सुरेन्द्र सिंह (हरियाणा) : हमारे पैरों की जमीन नहीं खिसक रही है । आप यह गुमराह करने वाली बात और राजनीतिक लाभ लेने वाली बात कर रहे है।

8.00 P.M.

श्री राम विलास पासवान: हमारे साथियों ने राजनीति की बात कही है । हम सब लोग राजनीतिज्ञ हैं, राजनीति करना कोई बुरी चीज नहीं है ।...**(व्यवधान)** आपको किसने रोका था ? अहलुवालिया साहब, आप बहुत जोर से बोलते है । डा. अंबेदकर को "भारत रत्न" की उपाधि देने में आपको किसने रोका था। **(व्यवधान)**

श्री सरेन्द्रजीत सिंह अहलुवालिया : उसमें भी पोलिटिकल बैनिफिट ले रहे है।

श्री राम विलास पासवान : आपने पोलिटिकल बैनिफिट क्यों नहीं लिया ?... **(व्यवधान)** उपसभापति महोदया, मैंने पहले ही सबको धन्यवाद दिया, लेकिन जब हम सरकार में हैं तो आपको क्रिटिसाइज करने का अधिकार है, तो सरकार की तरफ से जो थोड़ा-बहुत हम काम करते हैं उसको भी हमको रखने का अधिकार मिलता है । इसलिए मैं कहता हूं कि इसमें कोई बुरी भावना नहीं है और हमारे तमाम जितने साथी हैं, सब के मेरे पास में नाम हैं कुंजाचेन साहब हैं नोगी जी, खलीलुर रहमान साहब ठाकुर जी बोले हैं प्रमोद महाजन जी, नाराधणसामी जी गोपालसामी जी, नायक जी, सलारिया साहब, थामस साहब, चन्द्रिका केतया जी, राज मोहन गांधी जी, गौतम जी, इन तमाम सदस्यों ने अपनी भावनाओं को व्यक्त किया है और हम सब के प्रति आभार व्यक्त करते हैं और आभार व्यक्त करते हुए हमारे जो साथी हैं....**(व्यवधान)** मैं तो अपने भाषण के शुरू में संक्षेप में भी कहा था कि हम आपकी भावना की कद्र करते हैं और निश्चित रूप से, जिस तरीके से, सर्वसम्मति रूप से यहां से हम एक विधेयक लाए हैं उसी तरीके से हम समझते है कि और भी जो अनुसूचित जाति के लोग हैं और दूसरे धर्म म हैं उनके संबंध में भी एक सर्वसम्मत तरीके से रास्ता निकाला जाए और निश्चित रूप से इसके बाद हम लोग बैठ करके उस संबंध में भी तय करेंगे ।

अंत में हम तमाम साथियों का, माननीय सदस्यों का आभार व्यक्त करते हुए हम आपसे आग्रह करेंगे कि सर्वसम्मति से, एक स्वर से इस बिल को पास करने का कष्ट करें ।

धन्यवाद ।

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Castes) (Union Territories) Order, 1951, and to amend the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964, and the Constitution (Sikkim) Scheduled Castes Order, 1978, be taken into consideration"

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill Clause 2. There is one amendment, amendment No. 1, by Shri V. Narayanasamy.

SHRI V. NARAYANASAMY: Madam, in view of the assurance given by the hon. Minister, I am not moving my amendment.

Clause 2 was added to the Bill...

THE DEPUTY CHAIRMAN: There is another amendment, amendment No. 2, by Prof. Chandresh P. Thakur.

[The Deputy Chairman]

proposing the insertion of new clause 2A, after clause 2.

PROF. CHANDRESH P. THAKUR: Madam, I am not moving my amendment, but I would like to say a few words.

I have heard the Minister's reply. If it is true, if the intention behind his statement is correct, he should be sportsmanlike and accept my suggestion. It is not contrary to his intention. If there is a risk of his losing his job as a Minister, he need not accept, because I would not like him to lose his job. He comes from my State and I would like him to remain as a Minister.

AN HON. MEMBER: He is a good Minister.

PROF. CHANDRESH P. THAKUR: He is a good Minister. His intentions are right although his political use of the occasion is unfortunate. I do hope that the hon. Minister and his colleagues in the Government will keep in view that the country should gradually move towards economic bases for reservation and increasingly try to see that no such divisive tendencies are encouraged either through non-legislative or legislative measures. In view of this assurance, or, the likely assurance,—I am looking at his face; he is smiling—I am not moving my amendment.

Clauses 3 to 7 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

श्री राम विलास पासवान : महोदया, मैं प्रस्ताव करता हूं कि :

"इस बिल को पास किया जाए।"

The question was put and the motion ... motion was adopted

THE DEPUTY CHAIRMAN: The House is adjuorned till 11.00 A.M. day after tomorrow.

The House then adjourned at six minutes past eight of the clock till eleven of the clock on Thursday, the 10th May, 1990.